



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities
Seventeenth session

Summary record of the 300th meeting*

Held at the Palais de Nations, Geneva, on Tuesday, 21 March 2017, at 3 p.m.

Chair: Ms. Degener

Contents

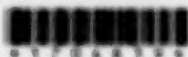
Consideration of reports submitted by parties to the Convention under article 35

Initial report of the Republic of Moldova

* No summary record was issued for the 299th meeting.

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS) (DMS@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by parties to the Convention under article 35

Initial report of the Republic of Moldova (CRPD/C/MDA/1; CRPD/C/MDA/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of the Republic of Moldova took places at the Committee table.*
2. **Ms. Oceretnii** (Republic of Moldova), introducing her country's initial report (CRPD/C/MDA/1), said that the ratification of the Convention demonstrated the Government's interest in developing and promoting policies for the social inclusion of persons with disabilities. A new conceptual approach to disability had been adopted that incorporated a human rights and social inclusion perspective, recognized the value of persons with disabilities and sought to ensure their equal enjoyment of civil, political and cultural rights.
3. In keeping with that new approach, a number of steps had been taken since 2010, including the adoption of the Strategy for the Social Inclusion of Persons with Disabilities (2010-2013) and the enactment of the Social Inclusion of Persons with Disabilities Act No. 60 of 2012 (Social Inclusion Act), which stipulated that persons with disabilities should be defined in relation to the obstacles to their participation in the life of society and that they had equal rights to social protection, health care, education, work, transport and other services.
4. The body responsible for the determination of disability and working capacity had, since 2013, shifted from a medical to a medical-social model and, with the recruitment of professionals from domains such as social work and psychology, had developed a new methodology and criteria for determining disability. The Government intended to continue the reform process in order to bring the system of disability determination into line with international standards.
5. In 2011, the Government had made changes to the national legal framework on employment to improve access to the labour market for persons with disabilities while guaranteeing their right to work and to use the services of the National Employment Agency. In 2012-2013, the Agency and its regional offices had recruited 86 new staff members to assist persons with disabilities in accessing employment-related services. A new employment strategy for 2017-2021 had been approved in December 2016 and included measures such as support for employers in adapting workplaces and the creation and reservation of jobs for persons with disabilities. Those measures had also been included in a new bill on employment.
6. To strengthen the right to independent living in the community, regulations and minimum quality standards relating to the functioning of social services had been approved, while a sign language interpretation service had been set up in 2014 and was delivered by the Deaf Association of the Republic of Moldova with funding from the Ministry of Labour, Social Protection and Family. The Government had also recently approved the provision of professional rehabilitation services by the Republican Experimental Centre for Prostheses, Orthopaedics and Rehabilitation, in the hope that such services could be used to address a variety of disabilities and be extended to other institutions in the future.
7. To prevent the institutionalization of persons with mental disorders, the Ministry of Labour, Social Protection and the Family had established two working groups to monitor institutionalization processes relating to children and adults. It had also conducted an assessment of persons placed in residential institutions, which had led to the adoption of plans for the transformation of those institutions. Moreover, a ministerial order set out new regulations for the organization and functioning of residential institutions, including a new admissions procedure for persons with disabilities, an extension of the period of placement in the residential care system and the possible provision of community social services for persons with disabilities placed in those institutions. Four new facilities had been purchased for the provision of community services, using funds previously allocated to residential institutions, and the Government had also recruited four experts to draft a national

programme on the deinstitutionalization of people currently housed in the institutions of the Ministry of Labour, Social Protection and the Family.

8. Efforts to ensure accessibility for persons with disabilities in accordance with the Social Inclusion Act included the drafting of two national standards in 2014 and the adoption of three international standards in 2016 relating to building and construction design. Four additional regulatory instruments, designed to improve conditions for persons with disabilities, were in the process of being finalized and the new Urban Planning and Construction Code had been approved. Representatives of persons with disabilities had participated in the drafting of regulatory instruments on accessibility and the reasonable adaptation of objects and spaces for persons with physical problems. A new action plan on the implementation of measures to ensure accessibility for persons with disabilities for the period 2017-2020 was being prepared and would be submitted to the Government for approval in the first half of 2017.

9. The Government aimed to bring the national legislative framework concerning the guardianship of persons with disabilities, especially the Civil Code and the Code of Civil Procedure, into line with article 12 of the Convention and a draft law to that effect had been adopted by the Parliament on first reading. The bill also contained measures to establish mechanisms to support decision-making by persons with mental disabilities at the community level. In July 2016, Parliament had adopted Act No. 201, which updated the legal framework concerning persons with disabilities, and aligned it with the Convention and the Social Inclusion Act. Another important step had been the approval in September 2016 of a set of indicators to monitor the implementation of the Convention, which would help organize the process of collecting data from different authorities, institutions and organizations and consolidate the reporting process at the national and international levels.

10. The Government had commenced the process of signing the Optional Protocol to the Convention, launching consultations for that purpose with public authorities and civil society, which were consulted in the development of all policies and regulatory and legislative acts, with draft texts published online. The Government was working effectively with the members of the Alliance of the Organizations of Persons with Disabilities of the Republic of Moldova and had discussed draft legislation and regulations with them. Consultations had also been held with the National Council for the Rights of Persons with Disabilities, an advisory collegiate body that included representatives of local governments, non-governmental organizations (NGOs) and community-based organizations.

11. The Government was preparing the National Programme on Social Inclusion of Persons with Disabilities for the period 2017-2022, which would focus on promoting the rights of persons with disabilities, social protection, health care, rehabilitation, education, work, participation in public life, the physical environment, transport, information technologies and systems, and communications. It would also seek to raise awareness among the general public.

12. **Mr. Ruskus** (Country Rapporteur) said that he commended the Government of the Republic of Moldova for initiating changes and reforms to implement the rights of persons with disabilities. He particularly welcomed the adoption of the Social Inclusion Act and the Programme for the Development of Inclusive Education for the period 2011-2020, as well as the Government's essential efforts to maintain constructive dialogues with civil society and organizations of persons with disabilities. He also commended the Government for having invited the Special Rapporteur on the rights of persons with disabilities to visit the country and asked how her recommendations had been incorporated into national policies and programmes.

13. In the Republic of Moldova, persons with disabilities continued to face huge challenges in living on an equal footing with others. In particular, he was concerned that disability was understood and determined as a medical condition rather than as a social barrier that impeded persons with impairments from living an independent and decent life. As a result, medical specialists were still taking decisions for persons with disabilities.

14. Although the figures had not been confirmed owing to the lack of a unified data system, it was thought that more than 3,000 persons had been deprived of legal capacity in the country, 600 of them between 2012 and 2017, after the ratification of the Convention.

The country lacked alternative support mechanisms to replace the guardianship system of substitute decision-making with supported decision-making as advocated in the Committee's general comment No. 1 on article 12 of the Convention. While he welcomed the decision of the Constitutional Court of 17 November 2016 revoking the provisions of the guardianship law that restricted people's decision-making rights and access to the courts, he remained concerned that legislative amendments were still rooted in the idea of substitute decision-making and that they aimed to replace the deprivation of legal capacity with a "regime of protection" that appeared to be based on the medical and charity models rather than a rights-based approach.

15. The institutionalization and seclusion of children and adults with disabilities was another serious issue, in that almost 2,500 individuals with intellectual and psychosocial disabilities still lived in segregated residential institutions and were not provided with alternatives that would allow them to live in the community. Numerous reports suggested that institutionalization increased the risk of human rights abuses. He would therefore be grateful to hear of the Government's plans to amend policies, legislation and practices to enable persons with disabilities to be supported in such a way as to make their own decisions and to live independently and in dignity within an inclusive society.

Articles 1-10

16. **Mr. Lovász** said that he would like to know whether the delegation could provide specific examples of how the State party had implemented the principles of reasonable accommodation and universal design, using available measures for enforcement such as incentives and sanctions. He also wished to learn more about the composition of the panels and evaluation teams responsible for measuring the disability and working capacity of children and adults with disabilities. Was there a system whereby such persons could appeal against their certification? With regard to the process of deinstitutionalization, he asked in what circumstances children with disabilities might be separated from their parents and whether any safeguards were in place to prevent such separations.

17. **Mr. You Liang** said that he appreciated the State party's focus on social inclusion in its report and its replies. Given that disability was a cross-cutting issue, he wished to know which government department had the power to ensure that disability issues were included in national and department-specific economic and social programmes, as well as in the implementation of the Sustainable Development Goals. Important as social benefits were for persons with disabilities, he believed that such persons also needed to be empowered so that they could be seen as active, equal members of society. The delegation should therefore provide information on how persons with disabilities were empowered economically, intellectually and politically, and how they were portrayed to the general public. Lastly, he asked whether the State party had a poverty eradication programme and, if so, whether its implementation was linked to the 2030 Agenda for Sustainable Development.

18. **Mr. Kabue** said that he wished to know whether the laws of the Republic of Moldova had been brought into line with Act No. 121 of 2012 — the Ensuring Equality Act — and the Convention, as paragraph 30 of the State party's report, submitted in early 2013, had indicated would be done. He would welcome additional information about the partnership between the NGO Keystone Human Services International Moldova Association (Keystone Moldova) and a number of local governments in the State party. It would be particularly interesting to know, for instance, how that partnership had fared and what roles were or had been played by both the NGO and its government partners in their joint efforts to prevent the institutionalization of children with disabilities. An update on the action taken by the State party to build on the Strategy for the Social Inclusion of Persons with Disabilities (2010-2013) would also be welcome.

19. **Mr. Tatić** said that he would appreciate more information on the outcome of the complaints of discrimination reviewed by the Council on the Prevention and Elimination of Discrimination and Ensuring Equality. He wished to know whether examinations of the complaints had found that discrimination on grounds of disability had indeed occurred and, if so, what consequences the persons who had committed the discriminatory acts had faced and what forms of redress had been provided to the victims. In addition, he wondered

whether any of the cases before the Council had involved complaints from women or girls with disabilities who had been victims of discrimination not only because of their disability but also because of their gender. He asked whether there were any telephone hotlines accessible to deaf women and girls, whether safe houses for women fleeing violence were accessible to wheelchair users and whether counsellors received any special training on providing support to women and girls with intellectual and psychosocial disabilities who were victims of violence.

20. With regard to article 9 of the Convention, he wished to know whether penalties for failure to meet accessibility standards were ever really imposed. In that connection, he would welcome more information on the State party's plans to provide persons working in the building trades with training on accessibility legislation and standards. He asked what kind of help, as a wheelchair user, he would receive if he arrived by aeroplane at Chisinau International Airport and whether public transport into the city, hotels and government buildings were accessible by wheelchair.

21. **Mr. Ishikawa** said that he would welcome assurances that the Moldovan authorities did not rely exclusively on assessments of the degree or level of a person's disability to determine his or her capacity to work. They should keep in mind that such capacity depended not only on the severity of a person's impairment but also on the interaction between that impairment and social barriers. Lastly, he asked whether there was any significant difference between the social model of disability, which was preferred by the Committee and the medical and social model, which was apparently the model in place in the Republic of Moldova.

22. **Mr. Kim Hyung Shik** said that he wished to know how disability and working capacity were determined in the State party and what efforts the State party had made to involve persons with disabilities and their representative organizations in the preparation of its initial report. In addition, the delegation should indicate to what extent the country's legislation had been brought into line with the Social Inclusion Act, under which the failure to provide reasonable accommodation to persons with disabilities was considered to be discriminatory.

23. **Mr. Martin** asked what happened to people who discriminated against persons with disabilities. He wondered whether persons with disabilities, including intellectual disabilities, were given opportunities to be trainers in disability-awareness education and whether such education in the Republic of Moldova was based on the provisions of the Convention.

24. **Mr. Babu** said that he would welcome information on the specific measures that had been taken by the State party to guarantee the free, independent and effective participation of organizations of and persons with disabilities in the formulation of national policies and legislation. In particular, he wished to know more about efforts to involve persons with disabilities, including women, children and ethnic minorities, in the consultations on draft policy documents, regulations and laws mentioned in paragraph 12 of the replies of the State party to the list of issues (CRPD/C/MDA/Q/1/Add.1).

25. **Mr. Buntan** asked to what extent women and girls with disabilities played active roles in the mainstream women's movement in the State party. He wished to know more about their involvement in the disability movement, in relation to policymaking in particular. Turning to article 9, he said that he would welcome a comment from the delegation on the degree to which the State party's domestic accessibility standards were informed by internationally recognized accessibility standards, especially in the area of information and communications technology.

26. **Mr. Rukhledev** asked what the status of sign language in the Republic of Moldova was and whether the country had any public training programmes for sign language interpreters. In that connection, it would be interesting to know what kind of public assistance for sign language interpretation was available, how many sign language interpreters the country had and how many teachers were capable of teaching in sign language.

27. **Mr. Pyaneandee** asked what plans the State party had made to expressly recognize the principle of non-discrimination enshrined in article 5 of the Convention.
28. **Mr. Basharu** said that he wished to know what mechanisms were in place to ensure that children with disabilities were involved in the process of making decisions on matters likely to affect them. He would welcome information on the involvement of persons with disabilities and their representative organizations in awareness-raising campaigns and the extent of media efforts to portray such persons in a positive light.
29. **Mr. Chaker** said that, although deinstitutionalizing children with disabilities was a good idea, the children themselves should be consulted on the move. The authorities should proceed with caution.
30. **Mr. Alsaif** wondered whether the State party had a strategy to encourage the media to raise awareness of disability rights.
31. **Mr. Ruskus** said that he would welcome an indication of the extent to which persons with disabilities and their representative organizations were involved in the ongoing development of the National Programme on the Social Inclusion of Persons with Disabilities for the period 2017-2022.

The meeting was suspended at 4.10 p.m. and resumed at 4.25 p.m.

32. **Mr. Cușcă** (Republic of Moldova) said that the Social Inclusion Act had established general principles for determining disability status. As a result, a new model, combining medical and social approaches and relying on the input of doctors, teachers and social workers, had been developed to make such determinations. Final recommendations concerning the integration of a person with disabilities into the community, the labour market or a mainstream school were drawn up by social workers, whereas recommendations concerning rehabilitation were made by medical personnel. The recommendations were set out in a plan tailored to the situation of each individual.
33. The Ministry of Labour, Social Protection and the Family had a commission whose members — representatives of civil society or independent experts — considered challenges to disability determinations. All such challenges, for which there was a procedure specified by law, were given due consideration.
34. The reforms begun in 2013, after the entry into force of the Social Inclusion Act, had not yet been completed, as a number of problems had been identified. The Ministry was currently discussing a new framework for defining disability and establishing structures to address the needs of persons with disabilities. The framework, which would facilitate the adoption of best practices, including from abroad, was highly likely to be approved by the Prime Minister in the coming months.
35. **Mr. Cîrlan** (Republic of Moldova) said that, although the country's Constitution stated that all persons were equal, it did not refer expressly to the right not to be subjected to discrimination on grounds of disability. Nonetheless, under the Constitution, international human rights instruments to which the country was a party took precedence over other laws, a principle that had been upheld by the Constitutional Court.
36. Discrimination was subject to the penalties set forth under article 176 of the Criminal Code and to administrative sanctions established under legislation on labour and equality at work. Measures could also be applied by the Council on the Prevention and Elimination of Discrimination and Ensuring Equality, which verified whether discrimination had taken place. It could then refer cases to the courts, which could impose penalties commensurate with the violation.
37. On the question of legal capacity, a bill had been put before Parliament that revised the concepts of safeguards and guardianship and provided additional support for decision-making by persons with disabilities. That legislation was centred on the principle that the will of the person in question, or the best interpretation thereof, would be taken into consideration in all cases. It did not eliminate the concept of guardianship but stated that it would be applied only in exceptional situations in which a court of law decided, on the basis of an expert report, that the person could not express his or her will. Disability criteria

had been outlined in the Ensuring Equality Act and had also been included in a bill on hate crime that had been submitted to Parliament.

38. **Ms. Cernei** (Republic of Moldova) said that a legislative framework was in place for the deinstitutionalization of children with special educational needs and that a number of regulations had been drafted to ensure the provision of education as guaranteed by the Constitution and by the Education Code of 2014. The principles of non-discrimination, universality and equal rights had been bolstered by the Ensuring Equality Act, and the Education Development Strategy for the period 2014-2020 — which dealt with educational needs — had been adopted by government decree.

39. In the period between 2007 and 2017, the number of institutions providing special needs education had fallen from 80 to 12, of which 3 provided education for children under the age of 4 years. Special needs education institutions included both day and residential facilities and provided rehabilitation services for children with various disabilities, sensory impairments and social difficulties. Education for children with special needs was provided in keeping with the national curriculum and a framework plan that had been adopted by the Ministry of Education. Home education was available for children whose health prevented their attendance at school and was delivered in accordance with the appropriate legislative provisions. Staff training was regarded as extremely important and higher education establishments offered teacher training on the education of children with sensory impairments and other disabilities.

40. **Mr. Cușcă** (Republic of Moldova) said that, in 2014, the Government had introduced sign language services, which were used nationwide by persons who were hard of hearing to communicate with public officials, to obtain access to medical care and to take legal advice, among other circumstances. The Government intended to provide more sign language interpreters and was working with the Ministry of Education and education centres to develop a special training course in sign language. Moreover, the national broadcasting company was legally obliged to provide 20 minutes of news coverage per day with sign language and subtitles. Some private television companies had also adopted that practice, providing sign language in their main news bulletins at peak viewing times.

41. **Ms. Bagrinovski** (Republic of Moldova) said that the competent public authority provided special assistance to travellers with disabilities in the country's airports and that national airlines also made every effort to assist passengers with disabilities during their journey, regardless of whether that assistance was requested when the ticket was booked or at the airport prior to departure. Passengers with reduced mobility also received free services assistance at check-in, at customs, passport control and security, at the departure gate, in the baggage hall and during transit to connecting flights. Wheelchair users could be provided with a wheelchair, while destination airports were notified of the need to provide assistance on arrival and the type of assistance required. The national airline, Air Moldova, accepted mobility equipment on-board, including battery-powered equipment. The Republic of Moldova also respected the requirement of the European Union that national airlines adhere to international regulations on the provision of special assistance for passengers with visual impairments.

42. Regulations on vehicle access for persons with disabilities, establishing minimum safety and accessibility requirements, and on bus terminal activities, requiring operators to provide improved facilities for passengers with disabilities, would shortly be introduced. Waiting rooms in bus and train stations were equipped with specially designed seats and persons with disabilities received priority at ticket offices. The Government was aware that persons with disabilities encountered accessibility problems and was committed to improving the situation.

43. **Mr. Cușcă** (Republic of Moldova) said that, in February 2017, the Criminal Code had been amended to increase the fines for non-compliance with accessibility standards to as much as €1,000. As a result, the Government believed that those responsible for construction projects and other efforts involving disability issues would adhere to those standards in future. The Ministry of Regional Development and Construction was developing a plan of action on accessibility that would run until 2020, with the aim of ensuring compliance with accessibility standards and improving those standards in the light

of international experience. It was important that organizations providing services used by persons with disabilities adopted their own accessibility plans, since, while new buildings tended to take account of accessibility standards, older infrastructure was often non-compliant. It was hoped that the plan of action would yield tangible results.

44. **Mr. Cîrlan** (Republic of Moldova) said that he wished to draw attention to the statistical data presented by the Council on the Prevention and Elimination of Discrimination and Ensuring Equality. Since that body had come into existence, it had issued 103 decisions, 28 per cent of which had determined that discrimination had taken place on the grounds of disability. Both administrative and criminal penalties for such offences had been increased and fines had risen by 150 per cent.

45. **Ms. Oceretnii** (Republic of Moldova) said that all government programmes and policies were designed to be friendly to women and girls with disabilities. With the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Population Fund (UNFPA), the Ministry of Labour, Social Protection and the Family had devised a strategy for ensuring equality between women and men in the Republic of Moldova for the period 2017-2021. The strategy would be an effective tool for coordinating and mobilizing government departments, civil society and development partners in their efforts to mainstream gender in all programmes and for ensuring a common agenda of gender equality. As well as the general objective of ensuring equality between women and men, it promoted a culture of health at every stage of life for both women and men by increasing the accessibility of health services, informed and empowered women and girls with disabilities regarding access to sexual and reproductive health services and the exercise of sexual and reproductive rights, and involved the mass media in raising public awareness of the issue.

46. As part of its mission to promote human rights and disability rights, the Government supported reporting mechanisms that were accessible to women and girls with disabilities. A hotline for victims of domestic violence and abuse was operated by the La Strada International Centre for Protection and Promotion of Women's Rights, while a children's hotline was also available. In January 2017, a dedicated hotline service for persons with disabilities had been launched as the pilot phase of a project devised by Keystone Moldova and implemented by the Alliance of the Organizations of Persons with Disabilities of the Republic of Moldova with funding from the European Union. To date, 172 calls had been received, including 52 calls by persons in State-operated residential institutions. The Government coordinated effectively with the non-governmental sector and recognized the importance of taking the views of persons with disabilities into account. For example, the National Programme on Social Inclusion of Persons with Disabilities for the period 2017-2022 had been developed with the support of Keystone Moldova and the participation of local governments and NGOs representing persons with disabilities.

47. Given the persistence of stereotypes in Moldovan society, the Government understood the need for the mass media to portray persons with disabilities accurately and had therefore organized training for media professionals on the correct use of terms related to disability. In 2016, the Ministry of Labour, Social Protection and the Family — with the support of United Nations agencies and NGOs — had organized an event to celebrate the International Day of Persons with Disabilities and to promote the abilities of persons with disabilities. All ministries involved in promoting disability rights participated in television and radio shows to analyse and discuss the situation of persons with disabilities.

48. **Mr. Cușcă** (Republic of Moldova) said that persons with disabilities in the Republic of Moldova were entitled to social benefits and services, including, in some cases, pensions. Children with disabilities and adults with disabilities who had not worked and were thus not entitled to pensions received special benefits. In addition, persons with severe disabilities were entitled to the services of a personal assistant. A social welfare programme, introduced in 2008, involved the payment of benefits to families whose members did not earn an income that reached a given threshold.

49. In 2016, the Government had developed a wider array of social services, some provided to persons with disabilities by mobile teams active in almost every district in the country. Services available at the local level also included day-care centres for persons with

disabilities and facilities for stays of up to six months. The Respiro service enabled the family members taking care of persons with severe disabilities to enjoy a brief respite from their caregiving responsibilities.

Articles 11-20

50. **Mr. Tatić** said that he wished to request information about the State party's plans to ensure that architects, town planners and engineers embraced the concept of universal design. In addition, he wondered whether the country's new hotlines were accessible to deaf persons and persons with intellectual disabilities. More information about the personal assistants available to persons with disabilities, such as what kind of training they received, would also be welcome, not least because such information could be of use to the Committee in its ongoing efforts to draft a general comment on living independently and being included in the community.

51. Regarding article 13, he asked whether plans to make courthouses accessible to persons with disabilities, mentioned in paragraph 96 of the State party's report, had been carried out and, if so, what exactly had been done. In addition, he wondered whether, as also mentioned in the report (para. 95), there were still eight sign language interpreters in the Republic of Moldova and whether the delegation had any information on the number of legal proceedings that they had been involved in. It would also be interesting to know more about the approach taken to legal or administrative proceedings involving persons with intellectual disabilities. Were efforts made to communicate with such persons in plain-language or other easy-to-read formats?

52. **Mr. You Liang** said that he wished to know whether reports that persons with psychosocial disabilities in particular were still sometimes forced to work in the State party were accurate and, if so, what plans the authorities had made to address the situation. In addition, he asked whether the State party provided persons with disabilities with assistive devices and training in their use. Was the adoption of such devices encouraged?

53. **Mr. Martin** asked how many persons with disabilities were still living under guardianship laws. With regard to article 12, he wished to know what efforts the State party was making to ensure that the providers of support to persons with disabilities knew about the plain-language resources that could help such persons make their own decisions about their lives. In addition, he wondered what was being done to educate justice system officials about article 12 and supported decision-making.

54. In connection with article 19, he asked how many persons with disabilities had left institutions for life in the community and how many were still living in institutions. He wished to know what was being done to ensure that doctors, nurses and other health workers were given the right training to work with persons with intellectual disabilities.

55. **Mr. Buntan** said that he would appreciate an answer to his question about the application of internationally recognized accessibility standards in information and communications technology. Although the State party's report had been submitted before the adoption of the Sendai Framework for Disaster Risk Reduction, he wondered whether the State party had developed a comprehensive plan for disaster risk reduction that, informed by the Framework, gave full consideration to the inclusion and needs of persons with disabilities. In that connection, he wished to know how persons with disabilities, in particular deaf or deaf-blind persons and persons with intellectual or psychosocial disabilities, were informed of disaster risks. Lastly, he asked how many persons with disabilities worked in the legal professions in the State party and what measures the Government was taking to enable them to enter those professions.

56. **Mr. Babu** said that it would be interesting to know whether persons with disabilities themselves and their representative organizations had been involved in the training on the rights of such persons described in paragraphs 64 to 66 of the replies to the list of issues. It would also be interesting to know how effective that training had been and what it was to be used for.

57. He asked whether persons with disabilities had a choice of communication methods during any legal proceedings they were involved in. In particular, he wondered whether

persons who were deaf or hard of hearing could choose the method of communication they preferred.

58. **Mr. Kabue** said that he would welcome a clarification of the kind of legal assistance given to persons with disabilities whose rights had been violated and whether such persons could represent themselves in administrative or legal proceedings. With regard to article 19, he asked whether the State party was indeed moving persons with disabilities from larger institutions to much smaller facilities, where they apparently lived together in groups of as few as five or six people, and, if so, whether the Moldovan authorities viewed that as a real form of deinstitutionalization and inclusion in the community.

59. **Mr. Kim Hyung Shik** said that he would welcome an indication of the total number of persons with disabilities in institutional care and an account of the progress that had been made since the adoption of the Strategy for the Social Inclusion of Persons with Disabilities (2010-2013). He asked whether the availability of residential services was sufficient to enable such persons to live in the community and whether the providers of institutional services had opposed deinstitutionalization.

60. **Mr. Basharu** said that the delegation had not indicated whether persons with disabilities and their representative organizations were involved in campaigns to raise awareness of disability issues and, if so, to what extent. Turning to article 14, he asked what measures had been taken to protect persons with disabilities, in particular psychosocial disabilities, from violence and abuse when they were deprived of their liberty.

61. **Mr. Chaker** said that he wished to know how persons with disabilities had benefited from the rights training that, according to the replies to the list of issues (paras. 64-66), had been given to more than 100 officials from the justice system.

62. **Mr. Pyaneandee** asked whether there had been any recent reports — since early 2013 — of persons with disabilities, institutionalized women with psychosocial disabilities in particular, who had been subjected to abuse, violence or exploitation. In that connection, he wished to know whether reasonable accommodation would be provided to allow any such persons access to the justice system and whether the denial of reasonable accommodation would be a criminal offence. It would also be interesting to know whether there had been any reports of persons with disabilities who had been subjected to torture and other cruel or inhuman treatment while they were being arrested, questioned or held and, if so, whether those persons were entitled to legal aid. Would denying them such aid be a criminal offence?

63. **Mr. Ruskus** asked whether the State party had any plans to repeal the article of the Civil Code that made it possible for persons with disabilities to be deprived of legal capacity and to bring the country's mental health legislation, in particular as it pertained to involuntary hospitalization, into line with the Convention. The delegation should comment on the measures that had been taken to safeguard the physical integrity of women and girls with disabilities, especially those in institutions, given that discriminatory legislation provided for forced termination of pregnancy on grounds of disability, and mental disabilities were evidently grounds for forced sterilization. More information on the moratorium on the placement of persons with disabilities in institutions would be welcome, as would an indication of any plans to launch reforms aimed at ensuring the availability of the support services that would enable persons with disabilities to live independently.

64. **The Chair** asked what legal and practical measures the Government was taking to address gender-based violence against women with disabilities, including those in institutions, and ensure that those responsible were investigated and punished. She wondered whether there were any data on the number of women with disabilities empowered to exercise sexual self-determination and on the number of health personnel, including doctors, who had been punished for forcing women with disabilities to undergo abortions or sterilization.

The meeting rose at 5.50 p.m.



**Convention on the Rights
of Persons with Disabilities**

Distr.: General
28 March 2017

Original: English

Committee on the Rights of Persons with Disabilities
Seventeenth session

Summary record of the 301st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 22 March 2017, at 10 a.m.

Chair: Mr. Tatić (Vice-Chair)

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Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the Republic of Moldova (continued)

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In the absence of the Chair, Mr. Patsi, Vice-Chair, took the Chair.

The meeting was called to order at 10:10 a.m.

Consideration of reports submitted by parties to the Convention under article 35
(continued)

*Initial report of the Republic of Moldova (continued) (CRPD/C/MDA/1;
CRPD/C/MDA/Q/1 and Add.1)*

1. *At the invitation of the Chair, the delegation of the Republic of Moldova took places at the Committee table.*

Articles 1-20

2. **Ms. Oceretnii** (Republic of Moldova), responding to questions from Committee members, said that article 11 of the Social Inclusion of Persons with Disabilities Act No. 60 (Social Inclusion Act) addressed the issue of public awareness. The State was required to promote a positive image and a socially active role for persons with disabilities, and organized regular public awareness campaigns, seminars and conferences with that end in view. The most recent campaign had been organized jointly by civil society associations and the public authorities in February 2017. A major national conference on inclusive education rights and best practices for the development of social services would be organized in partnership with civil society in late March 2017.

3. The Film Festival on Human Rights, which was organized with the support of United Nations agencies and development partners, also raised awareness of the rights of persons with disabilities. Access to films concerning persons with disabilities was free of charge. Other activities included exhibitions of photographs taken by persons with disabilities, as well as press conferences, round tables and workshops on subjects aimed at promoting their rights and social inclusion.

4. Members of the Government held monthly meetings with local authorities and the general public to promote the policy framework governing the rights of persons with disabilities. All such public awareness-raising activities were covered by the mass media. The new National Programme on Social Inclusion of Persons with Disabilities for the period 2017-2022 would include awareness-raising activities, such as campaigns organized by central and local public authorities with civil society associations. Action would also be taken to assess changes in opinion regarding persons with disabilities, and media professionals would be trained to promote their rights and to alert the public to the policy framework.

5. A telephone hotline was already accessible to persons with intellectual disabilities and persons who were hard of hearing. They were provided with a mobile phone and were trained to use it in order to send messages when they required support.

6. **Ms. Cerni** (Republic of Moldova) said that the Programme for the Development of Inclusive Education for the period 2011-2020 provided for the education of children with sensory impairments and severe disabilities. Recommendations would shortly be made on the development of high-quality and inclusive education for such children, based on a cross-cutting approach. Action was being taken to guarantee the accessibility of primary and secondary educational facilities. A website on inclusive education run by the Republican Centre for Psycho-Pedagogical Assistance contained useful information about the education of children with special needs and relevant educational materials, and provided guidelines for teachers. The website was also accessible for persons with sensory impairments.

7. In line with international treaties and national strategic documents, the Ministry of Education was introducing new mechanisms for inclusive education at all levels. The regulatory and legal instruments contained no provisions that discriminated against persons with disabilities. On the contrary, special provision was made for their access to education and vocational training.

8. During the period from 2010 to 2016, persons with disabilities enrolled in the first cycle of higher education had included 585 students with severe disabilities, and some 290 students with diverse impairments were currently enrolled in higher education institutions. During the 2015/16 academic year, technical and vocational education facilities had been provided for 193 students with special needs, including 89 with severe disabilities and 210 with moderate disabilities. They had attended courses in areas such as health, commerce, protection of the environment, information and communication technology, and engineering.
9. During the period from 2012 to 2016, 14 establishments, including 13 universities and the Institute of Pedagogical Sciences, had provided training in inclusive education for some 11,800 students at various levels of higher education. Persons with disabilities were enrolled in 17 out of a total of 31 higher education institutions. The most popular areas of study were medicine, law, public administration, and information and communication technology.
10. Higher educational establishments had taken a number of steps to support students with disabilities, such as individual training for persons who needed to study at home; study grants and material support; accessibility measures; and medical assistance for students in university clinics. However, such measures were insufficient to guarantee full and equal access for young people with disabilities to higher education, as required by the Convention. Specific action was therefore being taken in the 2016/17 academic year to remedy the situation.
11. **Ms. Ozeretani** (Republic of Moldova) said that university resource centres employed teachers with disabilities for the provision of services in order to encourage students with disabilities to play an active part in the education system.
12. **Mr. Cazan** (Republic of Moldova) said that, with a view to monitoring compliance with the Social Inclusion Act, the Minister of Regional Development and Construction had issued Order No. 67 in 2016 concerning the establishment of a working group to monitor the enforcement of legislation relating to construction by local administrative authorities. The working group had developed information and inspection activities regarding compliance with the provisions of regulatory documents applicable to the issuance of urban planning certificates for design and construction permits. A total of 98 localities had been inspected. The working group had identified irregularities in procedures for the preparation of project documentation and failures in meeting special requirements to facilitate access for persons with disabilities in about 38 per cent of the documents that it examined.
13. In 2016, the Ministry had participated in seven thematic seminars and two round tables organized by non-governmental organizations (NGOs) and attended by representatives of local public administrations, designers, architects and representatives of associations of persons with disabilities. The Ministry had also engaged in an interactive dialogue in two television shows. Great importance was attached to teamwork and consultations between the Ministry and NGOs representing the interests of persons with disabilities.
14. An important component of the action plan for the implementation of the National Programme on Social Inclusion of Persons with Disabilities for the period 2017-2022 was the completion of a study on the development of a curriculum for architectural studies in higher educational establishments that included accessibility and reasonable accommodation. A draft town-planning and construction code, which had been approved on its first reading in Parliament, provided for the inclusion of representatives of persons with disabilities in the membership of relevant commissions. Representatives of persons with disabilities were also included in technical committees that monitored the process of elaboration of regulatory documents concerning accessibility and reasonable accommodation. Four regulatory documents applicable to the construction industry were currently being finalized.
15. Construction design standards that met general security and accessibility requirements for persons with disabilities had been issued in 2014. Assistive products were provided for blind and visually impaired persons, such as tactile walking surface indicators and audio signals in public spaces. Some buildings constructed in the previous century

presented a major challenge. Action was being taken in collaboration with local authorities to align them with modern regulations and requirements.

16. The Digital Moldova 2020 strategy contained provisions concerning accessibility for persons with disabilities with a view to providing accessible content in different formats. The amendments to the Electronic Communications Act, which were currently being discussed in Parliament, provided for access to a broad range of services for persons with disabilities.

17. **Mr. Cirlan** (Republic of Moldova) said that 317 judges and 19 assistants had received training in the rights of persons with disabilities during the first three months of 2016 at the National Institute of Justice. Training courses had also been provided for staff of the Community Mental Health Centre, police officers and prosecutors. According to the Institute, persons with disabilities had participated in the training course for judges.

18. Communication procedures during preliminary criminal investigations were based on provisions of the Code of Criminal Procedure concerning respect for human rights and dignity and on article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the right to a fair trial. The investigating authorities were required to ensure that persons with communication difficulties were able to exercise their rights in criminal proceedings by providing them with appropriate facilities, in accordance with article 105 (4) of the Code of Criminal Procedure. In 2014, the Government had adopted Decision No. 333 on sign language interpreters.

19. Persons who had been granted social welfare benefits during the previous six months, including persons with disabilities, were entitled to free legal assistance, regardless of their income. Act No. 198 of 2007 also guaranteed free and equal access to legal assistance for all persons declared without legal capacity or with limited legal capacity, who had no legal representative or no known domicile. Persons hospitalized in psychiatric institutions were entitled to assistance if they had no access to a lawyer.

20. With regard to access to justice, Constitutional Court Judgment No. 33 of 2016 had repealed several provisions of the Code of Civil Procedure in order to facilitate the exercise of procedural rights. When hearing testimony, judges assessed whether the requirements of article 133 of the Code were met, namely whether persons with disabilities were capable of fully understanding the facts and of testifying truthfully. In criminal proceedings, persons with disabilities could testify through an interpreter and, if necessary, in the presence of a physician, pursuant to article 105 of the Code of Criminal Procedure.

21. With regard to legal responsibility in the event of lack of reasonable accommodation, article 179 of the Criminal Code addressed the issue of legal responsibility for any form of exclusion, restriction, distinction or preference based on disability. Relevant provisions were also contained in article 306 concerning the imposition of criminal liability on a person known to be innocent, article 307 on the deliberate handing down of a judgment or other ruling that was contrary to the law and article 308 on illegal detention or arrest. Bill No. 301 of 1 July 2016, which was currently before Parliament, proposed the incorporation in a number of articles of aggravating circumstances pertaining to prejudice, disdain or hatred based, *inter alia*, on disability.

22. With regard to the repeal of article 24 of the Civil Code, bill No. 292 provided for the amendment of civil legal capacity by allowing for assistance in decision-making. The same bill amended the procedure for hospitalization by requiring the consent of persons with disabilities. In cases where they were unable to express their will, provision could be made for assistance in decision-making.

23. All new court construction projects were required to include provisions for accessibility.

24. The imposition of forced labour as a penalty during the probation period following a suspended sentence was prohibited in the case of persons with disabilities by article 190 of the Enforcement Code and article 77 of the Criminal Code.

25. In 2015 and 2016, the legal authorities had ruled that only 344 persons lacked legal capacity.

26. There were no judges with disabilities, but disability was not considered to be an impediment to access to the profession. There were two prosecutors with mobility impairments.

27. The Republic of Moldova had 503 certified interpreters, 17 of whom used sign language and 15 of whom were persons with disabilities. Eight sign language interpreters had provided services in 185 cases in 2015 and in 234 cases in 2016.

28. **Ms. Iajan** (Republic of Moldova) said that the Ministry of Health provided all citizens with access to medical services. With a view to ensuring unimpeded access to State medical institutions, the National Assessment and Accreditation Council for Health had issued criteria governing access for patients with limited mobility. The State was required to ensure access to high-quality services and to prohibit coercive medical treatment.

29. The legislation concerning patients with intellectual disabilities had been amended and a series of reforms had been implemented. The number of beds in psychiatric institutions had been increased from 2,800 in 2010 to 4,400. Forty-one community centres for mental health had been established. They adopted a multidisciplinary approach involving family doctors, psychiatrists, psychologists and physiotherapists. Patients received subsidized medication through family doctors free of charge on a monthly basis. A pilot project in four regions was currently providing training for 450 family doctors and 1,500 nurses who would provide services in the community centres.

30. Under the national programme for patients who were hard of hearing, the State delivered about 800 hearing aids each year, giving priority to children. Patients could send text messages via the emergency 112 telephone line, for instance in order to call an ambulance. Persons who were hard of hearing had previously been denied drivers' licences. They could now be trained and obtain a licence.

31. Pursuant to an interministerial ordinance issued in 2013, all physicians were required to report cases of torture or physical abuse by medical personnel to a public prosecutor. No such cases had been reported in recent years.

32. Coercive termination of pregnancy was prohibited. The National Strategy on Reproductive Health guaranteed women's right to decide freely on pregnancy and all women had access to contraceptives. According to the relevant legislation, adults had the right to family planning and family health and to choose the number of children they wished to have. Youth-friendly health centres provided young people with information on reproductive health and safe abortions.

33. **Mr. Cîrlan** (Republic of Moldova) said that most judicial authorities had taken steps to make their buildings accessible to persons with disabilities. Act No. 76 of 2016 on the reorganization of the judicial system served as the basis for action to construct new judicial buildings. With a view to its implementation, a plan aimed at providing the best possible conditions for the functioning of the judiciary had been adopted. It was hoped to complete all construction work by 2027. The new buildings would take into account the needs of persons with disabilities, bearing in mind applicable national guidelines and international standards.

34. **Mr. Cușcă** (Republic of Moldova) said that the authorized sign language interpreters had worked for a total of 1,180 hours in 2014, the year in which the service had been introduced, and for 4,627 hours in 2016. There were also a number of self-trained interpreters, who were usually members of families of persons with disabilities. The Ministry of Labour, Social Protection and the Family and the Ministry of Education planned to introduce additional training courses for interpreters.

35. The Social Services Act No. 123 of 2010 sought to guarantee independent living conditions, including for persons with disabilities. Guidelines and minimum quality standards for diverse social services had been issued in the intervening period. The services for persons with disabilities included community homes, protected housing, mobile teams, personal assistance teams and the Respiro care service. In 2013, a total of 1,367 persons had received personal assistance. By 2016, the number had increased to about 2,300.

36. With regard to institutionalization, the Ministry of Labour, Social Protection and the Family ran four residential institutions: two psychiatric hospitals and two facilities for children with psychological problems. There were roughly 2,000 beneficiaries, of whom about 200 were children. The Minister had set up working groups to review all files of persons requesting assistance. NGOs were also actively involved. Most requests were declined, but, where the circumstances of the persons with disabilities might represent a threat to society, assistance could be provided through community homes.

37. The existing moratorium on institutionalization did not cover all cases. However, the data showed that progress was being made towards deinstitutionalization. There had been 14 cases of deinstitutionalization of adults and 12 of children in 2015. The corresponding figures for 2016 were 11 adults and 26 children. The plan to convert residential institutions would enable them to provide community services. Four facilities in different localities were being refurbished and would shortly provide social services for residents, who were entitled to work if they so wished. Children could attend school and become involved in community centres at the local level. Hence they were not isolated and could be fully integrated into society. The Ministry would work on deinstitutionalization with local authorities, providing them with the requisite financial support to make social services available to deinstitutionalized persons.

38. In 2016, the Ministry had developed curricula and training courses for personal assistants. An agency for social protection created under the auspices of the Ministry focused on vocational training for social protection specialists.

39. **Ms. Oceretnii** (Republic of Moldova) said that the Government would give priority to deinstitutionalization and would develop a national programme in cooperation with development partners and civil society.

Articles 21-33

40. **Mr. Ishikawa** enquired about the coverage of the issue of disability by the National Council for Coordinating Sustainable Development, since he was unaware that disability formed part of the Sustainable Development Goals.

41. He was pleased to note that the Government and the United Nations Children's Fund (UNICEF) had agreed in 2016 on a project for the deinstitutionalization of children with disabilities.

42. According to the State party's report (CRPD/C/MDA/1), the National Council for the Rights of Persons with Disabilities was tasked with monitoring the implementation of the national policy on the social inclusion of persons with disabilities. He wished to know how many members of the National Council were persons with disabilities and, in particular, whether they included persons with psychosocial and intellectual disabilities.

43. **Mr. Martin** said that he wished to know whether the awareness-raising activities being conducted in the State party were being led by trainers who were themselves persons with disabilities. He also wondered whether provision had been made to ensure that public information was produced in easy-to-read formats for persons with intellectual disabilities and, if so, what type of information was available. Moreover, how did the State party ensure that such information was reaching the people who needed it?

44. **Mr. Kabue**, referring to paragraph 152 of the report, in which it was stated that persons with "severe locomotor" disabilities could buy vehicles from abroad free of import duties, said that it would be helpful to know how the term "severe" had been defined and how it was determined whether a person met that criterion. Regarding article 21 of the Convention, he would welcome updated information on the progress made in ensuring that public websites, as well as those of private entities and the mass media, were accessible for persons with disabilities, in particular for persons with visual impairments.

45. He invited the delegation to comment on reports indicating that, although a number of special education schools had been closed, the focus seemed instead to have shifted towards establishing separate special classes within mainstream schools, which, if true, still amounted to segregated, not inclusive, education.

46. Regarding employment, he would welcome information on the extent to which the 5 per cent employment quota for persons with disabilities had been successful. Information should also be provided on reports received by the Committee that persons with disabilities experienced high rates of unemployment and that those living in institutions were forced to work for members of staff of those institutions in conditions that were, in some cases, tantamount to slave labour. Details of the eligibility requirements for disability pensions would also be helpful. In particular, he wondered whether they were paid to all persons with disabilities, irrespective of whether or not they had ever been employed.

47. **Mr. Basharu** said that he wished to know what steps had been taken to ensure that persons with disabilities, in particular blind persons and persons with motor disabilities, had access to high-quality, affordable assistive devices and to training in mobility skills. Regarding article 21 of the Convention, he would be interested to know what measures were in place to guarantee access by persons with disabilities to information in the media, through the provision of sign language interpretation, for example.

48. He would welcome updated information on what steps had been taken to ensure access for persons with disabilities to health services; what measures were in place, including sign language interpretation, to help deaf persons seeking health-care services; what efforts had been made to ensure that women and girls with disabilities were provided with information regarding their sexual and reproductive rights; and what training had been provided to health-care professionals to raise awareness of the penalties for the abuse or ill-treatment of persons with disabilities. Lastly, he wished to know what specific concrete measures had been taken with regard to reasonable accommodation for persons with disabilities in the area of employment and whether the necessary mechanisms and focal points were in place to monitor and ensure full implementation of the Convention.

49. **Mr. Rukhlev** said that he wished to know what measures had been taken to ensure that persons with disabilities were able to participate in elections on an equal footing with all other citizens, including in rural areas. He wondered whether polling booths were accessible for persons with disabilities, what arrangements were made for persons who were physically unable to go and vote, and whether election campaign and voting materials were accessible, with the provision of sign language interpretation, captioning and easy-to-read formats. Lastly, he asked whether organizations of persons with disabilities were involved in programmes and decision-making at the municipal levels and whether any persons with disabilities were members of Parliament or representatives of political parties.

50. **Mr. Kim Hyung Shik**, referring to paragraph 235 of the report, said that the meaning of the term "specialized enterprises" needed clarification. In particular, he wished to know whether those enterprises were akin to regular employment or were variations on sheltered workshops. He was concerned that not enough effort seemed to have been made to help people with disabilities gain employment in the open labour market and that no information had been provided on the number of persons with disabilities employed in the public sector. In that connection, he wondered what the average income was for persons with disabilities and how long they typically remained in the same role. Lastly, he asked to what extent persons with disabilities and their representative organizations were involved in designing, implementing and monitoring international cooperation projects and how the State party intended to involve organizations of persons with disabilities in activities aimed at achieving the Sustainable Development Goals, in particular with respect to the indicators related to persons with disabilities.

51. **Mr. Lovász** said that he would be interested to hear more about the availability of early recognition services in the State party and the eligibility criteria for such services. In particular, he wished to know whether they were provided to all parents of children with disabilities, and to the children themselves from preschool age, in order to prepare them for entry into the inclusive education system and, later, into the open labour market. Teachers should also receive suitable and adequate training.

52. He wished to know what specific procedures were in place in the State party for registering qualified sign language interpreters; what mechanisms were used to ensure that sign language services were of the highest quality; and whether information could be provided on the proportion of sign language users who had used those services and the

number of hours of signing they had received. In that connection, he wondered whether there was scope for offering distance sign language or captioning services by means of modern assistive technologies, since, in general, there were many more hard-of-hearing persons than there were deaf persons.

53. **Mr. Parra Dussan** said that he would welcome clarification on whether special education schools were still operating as such in the State party and, if so, to what extent they were used in comparison with inclusive education schools. Regarding employment, he asked what proportion of persons with disabilities were working in the open labour market rather than in reserved employment, which was often poorly paid compared to regular employment.

54. **Mr. Pyaneandee** said that he wished to know how the State party was faring in developing school curricula on a continuous basis, providing training for support teachers working in inclusive classes, monitoring accessibility in schools and ensuring that specific budget provision was made to support the transition to inclusive education. Those were considered to be the basic requirements for full implementation of article 24 of the Convention, on education, in line with general comment No. 4 (2016) on the right to inclusive education.

55. He was concerned that the State party's monitoring mechanism, as provided for under article 33 of the Convention, lacked independence. He wondered what action had been taken or was envisaged to strengthen that mechanism so as to adequately deal with complaints; whether there were plans to ensure that that mechanism was in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles); and whether any information could be provided on the number of complaints, and their outcomes, that had so far been filed by persons with disabilities.

56. **Mr. You Liang** said that he would welcome information on the number of persons with disabilities employed in government departments and on how, and to what extent, the State party offered early intervention and for children with disabilities, in particular those aged 6 years and under. He would also be grateful for data disaggregated by gender and by the real needs of persons with disabilities in the State party, since such information was necessary in order to be able to provide tailored services. Lastly, he asked whether public sports facilities were accessible for persons with disabilities and why Paralympian athletes received awards that were much lower than those of their Olympian counterparts.

57. **Mr. Buntan** said that he wished to know to what extent the State party's special education schools were being repurposed to offer integrated support for the inclusive education system and whether the Government had any immediate plans to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. He would also be interested to know whether, and, if so, how, the Government intended to link its implementation of the Convention with that of the Sustainable Development Goals, in particular with regard to the indicators of the Goals that were relevant to persons with disabilities.

58. **Mr. Chaker** said that he would welcome clarification on the legal working age in the Republic of Moldova, since the figures cited in paragraph 135 of the State party's replies to the list of issues (CRPD/C/MDA/Q/1/Add.1) suggested that persons with disabilities were working at 15 years of age, when they would be better off in school. He also wished to know whether sufficient funding was available to enable employers to carry out workplace adaptations, with a view to enabling persons with disabilities to work more easily and widely in the open labour market.

59. **Mr. Ruskus** (Country Rapporteur) said that he wished to know whether there were any immediate plans to repeal the Mental Health Act, which contained provisions allowing persons with psychosocial disabilities to be hospitalized without their freely given consent. He would also welcome information on the purpose of the two single-sex segregated schools for children with psychosocial disabilities. Lastly, he was concerned at reports that seemed to suggest that new legislation on pensions, which increased the amount of work experience required in order to receive a pension, would, in all likelihood, push more

persons with disabilities into extreme poverty by forcing them to survive solely on social allowances, which alone were not sufficient for an adequate standard of living.

60. **Ms. Degener** asked whether the delegation had data on the rates of inclusion and exclusion of children with disabilities in mainstream education. It was often the case that exclusion rates, which covered children in special education schools, special education classes in mainstream education and in home schooling, did not necessarily decrease in line with increases in inclusion rates.

61. **The Chair** said that he would welcome information on the accessibility of tourist sites and cultural venues for persons with disabilities.

The meeting was suspended at noon and resumed at 12.20 p.m.

62. **Ms. Cernei** (Republic of Moldova) said that the Government had made inclusive education a priority, and that was borne out by the closure of many of the country's segregated schools. By way of example, the number of residential institutions, or *internats*, for children with disabilities had decreased significantly — from 68 in 2007 to 8 in 2017 — and so, therefore, had the number of children in such institutions. There were also currently 14 special education schools in the Republic of Moldova, where 1,025 children with psychosocial disabilities or sensory impairments were receiving their education. Since ratifying the Convention, the Government had created the legal framework to ensure the rights of persons with disabilities, which included the right to inclusive education, from preschool level upwards. Moreover, of the more than 300,000 schoolchildren in pre-university mainstream education, almost 10,000 were children with disabilities.

63. Under the Programme for the Development of Inclusive Education for the period 2011-2020, the Government aimed to promote inclusive education and ensure that children, young people and adults with disabilities were not marginalized or isolated. The overall goal was to provide an accessible educational environment that was able to respond to the needs of students through the provision of a minimum package of support; to identify and allocate appropriate funding for that purpose; and, at the same time, to foster an open, more inclusive society. To that end, and as part of the reform of the *internats*, financial resources had been redirected to enable schools to provide the necessary support services for inclusive education. Municipal and local authorities were also providing psychological support and educational support staff. Some 800 resource centres for inclusive education had also been established around the country.

64. Up to 2 per cent of the regional education budget was now allocated to providing methodological support to facilitate the inclusion of children with disabilities. Individualized learning plans had been introduced for children with disabilities, as had guidelines for schools on how to adapt educational programmes to enable such children to be included. Comprehensive and ongoing assessments of children with disabilities were carried out by the municipal authorities, with the involvement of parents and under the supervision of the Republican Centre for Psycho-Pedagogical Assistance, in order to ensure their continued development. Interdisciplinary school commissions had also been set up with a view to, inter alia, providing schools with specialist support for children with disabilities, identifying the types of assistance required by individual children, training support staff and providing resource centres with the necessary facilities and equipment to ensure inclusive education. A range of experts, including head teachers, local authority officials, support staff and other professionals were working in conjunction with UNICEF and NGOs to promote and further expand the inclusive education system by transforming former residential schools. Various other initiatives to improve education in the Republic of Moldova were also under way. By way of example, a project supported by the World Bank involved adapting 21 local schools and ensuring that children with disabilities in mainstream schools received the required quality of education. Similarly, a UNICEF-backed programme included capacity-building for teachers teaching children with disabilities and measures to ensure that the local schools involved were fully accessible. The concept of inclusive education was also to be updated to take into account the educational needs of individual children.

65. **Ms. Iaşan** (Republic of Moldova) said that the Ministry of Health had introduced a raft of new measures in relation to sexual and reproductive health, including the National

Strategy on Reproductive Health. As part of those measures, girls and women could now gain access to gynaecology and midwifery services through their local doctor. Advice on sexual and reproductive health was available in all doctors' surgeries and doctors were notified of reproductive and sexual health violations and other issues.

66. A decree had been adopted in 2016 to ensure that all babies born in the Republic of Moldova could be seen by a paediatrician and neuropathologist, who, in the event that any issues were detected, would refer them to a specialist for diagnosis and further treatment, if necessary. Several rehabilitation centres were located around the country and were also accessible with a referral from a family doctor. Lastly, discussions were under way in Parliament on repealing the discriminatory provision of the Mental Health Act that allowed for patients to be hospitalized without their consent.

67. **Mr. Cușcă** (Republic of Moldova), replying to a question raised by Mr. Ishikawa, said that while persons with psychosocial and intellectual disabilities were not currently represented on the National Council for the Rights of Persons with Disabilities, its members did include representatives of various NGOs and organizations of persons with disabilities.

68. Independent monitoring was carried out by the Ombudsman's Office as well as by NGOs. The Attorney General was also responsible for monitoring activities, in cooperation with a group of experts from NGOs.

69. By law, persons with disabilities who were able to work were entitled to seek employment in the open labour market, in specialized enterprises or in home-based jobs. Specialized enterprises were run by social organizations, which received State subsidies to help them pay for any required materials, free of value-added tax, and to make the social insurance contributions on behalf of the employee. There were only 11 such enterprises, employing around 250 persons with disabilities, since the majority of persons with disabilities worked in the regular labour market or, in some cases, in the informal sector. In that connection, a national programme had been launched to combat informal employment in general.

70. Employers with 20 or more employees were legally required to ensure that persons with disabilities made up 5 per cent of their workforce and to make reasonable accommodation for them. A new bill on employment contained provision for a State subsidy to be awarded to employers who met the quota and who made the necessary workplace adaptations. There was no discrimination with regard to rates of pay for persons with disabilities in comparison with non-disabled persons. Wages were paid in accordance with the legislation and, in fact, persons with disabilities had a slight advantage, since they had the right to work six hours per day but to be paid for eight hours.

71. The legal working age in the Republic of Moldova was 16 years, provided that the individual concerned and their parents gave their consent; otherwise, it was 18 years. The statistics included in the replies to the list of issues were obtained from a study carried out by the National Bureau of Statistics on the situation of families in the Republic of Moldova. The data, therefore, probably included unofficial labour, such as household work, which would explain why it referred to workers as young as 15 years of age.

72. The Government had drawn on the experience of other countries and recommendations from international experts with regard to its pension reforms. Persons with disabilities who were not entitled to receive a pension because they did not have the required amount of work history were entitled to a range of other social protection payments, such as retirement pensions, mobility allowances and social benefits.

73. Lastly, regarding education, the Government intended to phase out all the *internats*, or residential schools for children with disabilities, and turn them into centres providing community-based services.

74. **Ms. Oceretnii** (Republic of Moldova) said that the comments and recommendations of the members of the Committee, as well as those of the Special Rapporteur on the rights of persons with disabilities, Ms. Devandas Aguilar, would be taken into account by the Government as it strove to ensure the rights and social inclusion of persons with disabilities. Government efforts were, and would continue to be, based on the principles of the Convention. The main development to date had been the introduction of the National

Programme on Social Inclusion of Persons with Disabilities for the period 2017-2022, which covered the promotion of the rights of persons with disabilities and provision for social protection, health care and employment, among other areas. The Government was committed to working closely with organizations of persons with disabilities to develop legal frameworks and policies that reflected their views and needs.

75. **The Chair** said that the delegation could provide written replies, within 24 hours, to the remaining unanswered questions.

The meeting rose at 1 p.m.



**Convention on the Rights
of Persons with Disabilities**

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Seventeenth session

Summary record of the 302nd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 22 March 2017, at 3 p.m.

Chair: Ms. Degener

Contents

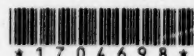
Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the Islamic Republic of Iran

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35
(continued)

Initial report of the Islamic Republic of Iran (CRPD/C/IRN/1; CRPD/C/IRN/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of the Islamic Republic of Iran took places at the Committee table.*

2. **Mr. Naziri Asl** (Islamic Republic of Iran), introducing his country's initial report (CRPD/C/IRN/1), said that his delegation comprised representatives of the main institutions working to promote and protect the rights of persons with disabilities in the Islamic Republic of Iran, representatives of non-governmental organizations (NGOs) and members of the legislative, executive and judicial branches, some of whom were living with a disability.

3. Islamic law provided that persons with disabilities should be treated with respect and esteem. In keeping with that principle and with its international commitments, the Government had made significant efforts to provide reasonable accommodation and support and to improve accessibility for persons with disabilities, in addition to enshrining their rights in law. The rights of persons with disabilities had been respected even before the country had ratified the Convention, and the Government was committed to removing all barriers to their enjoyment. In that connection, the adoption of the Comprehensive Law on the Protection of Persons with Disabilities in 2004 had been a positive step forward.

4. After the ratification of the Convention, the Government had appointed the State Welfare Organization and the Foundation of Martyr and Veterans' Affairs as the focal points for its implementation. The process of preparing the country's initial report had been overseen by the Human Rights Office of the Ministry of Foreign Affairs in cooperation with other governmental bodies and non-governmental experts. Since the report's submission in 2013, the rights of persons with disabilities had been successfully mainstreamed into all new laws and decisions. Significant achievements included broadening accessibility standards for transportation systems and public buildings; increasing the number of inclusive schools for children with disabilities; and adopting national five-year development plans that included measures to improve the situation of persons with disabilities.

5. Pursuant to the Committee's general comment No. 3 (2016) and article 6 of the Convention on women with disabilities, the Office of the Vice-President for Women and Family Affairs had shortened the working day for women with disabilities and mothers of children with disabilities from eight to six hours, made it possible for those women to take voluntary early retirement and launched a strategic plan to empower female heads of household, especially those with a husband or child with disabilities.

6. In line with the Committee's general comment No. 4 (2016) and article 24 of the Convention on inclusive education, in 2016 more than 14,200 men and 9,700 women with disabilities had enrolled in tertiary education at the postgraduate level. In the same year, some 5,800 persons with disabilities had been awarded research funding.

7. Pursuant to article 8 of the Convention, significant efforts had been made to raise public awareness of the situation of persons with disabilities, with the national media having devoted more than 1,150 hours of broadcasting time to that end. Moreover, the Charter of Citizenship Rights, adopted in 2016 on the initiative of the President of the Islamic Republic of Iran, contained three articles that made specific reference to the rights of persons with disabilities.

8. The Government opposed the imposition of unilateral coercive measures, which impeded the realization of the rights of persons with disabilities and ran counter to the Charter of the United Nations. These measures constituted an obstacle for developing countries in particular by restricting their resources and effectively preventing them from leveraging technology to support persons with disabilities. International cooperation in the

context of technology transfer was crucial to improving the situation of persons with disabilities.

9. In the Islamic Republic of Iran, premarital genetic examinations were compulsory and served as a means of preventing the birth of children with disabilities. The obligation for couples to undergo such examinations was reiterated in the sixth national development plan.

10. The Government was of the view that a sustained and comprehensive approach underpinned by adequate financial and human resources was essential for realizing the rights of persons with disabilities. It would continue its efforts to implement such an approach and to fulfil its commitments under the Convention.

11. **Mr. Nahvinjad** (Islamic Republic of Iran), accompanying his statement with a digital slide presentation, said that the State Welfare Organization, in its capacity as focal point for the implementation of the Convention, was responsible for assisting the 1.3 million persons with disabilities living in the Islamic Republic of Iran. The State Welfare Organization worked with NGOs to assist persons with disabilities through rehabilitation centres and clinics providing physiotherapy, occupational therapy, speech therapy and audiology services. The State Welfare Organization also supplied persons with disabilities with assistive devices, such as wheelchairs and hearing aids.

12. While the general position of the State Welfare Organization was that persons with disabilities should remain in a family setting, it also maintained that they should be equipped to lead independent lives, attend school and enter the labour market and, to that end, worked with NGOs to provide them with appropriate training and assistance. It also organized round-the-clock care for some 48,000 persons with severe disabilities and older persons with disabilities who had no one to look after them. A community-based initiative involving the families of persons with disabilities enabled the delivery of rehabilitation services in remote and rural areas. Some 360,000 persons with disabilities were currently in receipt of a monthly allowance and students with disabilities were also eligible to receive a similar benefit. Financial assistance was available to help persons with disabilities obtain housing and to cover the cost of assistive devices. The State Welfare Organization also had a mandate to generate sustainable employment opportunities, which benefited persons with disabilities, among others.

13. **Mr. Soroush** (Islamic Republic of Iran), accompanying his statement with a digital slide presentation, said that the Foundation of Martyr and Veterans' Affairs, which also served as focal point for the implementation of the Convention, came under the authority of the President and the Supreme Leader of the Islamic Republic of Iran and was responsible, *inter alia*, for delivering services to persons who had become disabled during the war between Iraq and the Islamic Republic of Iran, including victims of chemical weapon and missile attacks, mine victims and prisoners of war, as well as to their dependants and family members. The Foundation was currently assisting some 560,000 veterans and more than 2 million dependants through the provision of housing, health care and social welfare services. It also facilitated the participation of veterans with disabilities in Iranian society and in the political life of the country and, if necessary, provided them with legal advice and arranged counselling sessions at specialized centres. In 2016, the Foundation had provided health insurance to around 760,000 persons with disabilities. It also arranged medical check-ups for veterans and parents with disabilities and provided home-based care to some 23,000 persons with disabilities. In addition, it supplied persons with disabilities with assistive devices, paid them employment and care allowances and provided them with employment opportunities, as well as loans to encourage self-employment. The Foundation also organized cultural trips and events to commemorate the contribution of veterans with disabilities and had set up around 60 specialized rehabilitation centres.

14. **Mr. Buntan** (Country Rapporteur) said that the State party appeared to make provision for persons with disabilities mainly through welfare programmes and services and to provide families with support to enable persons with disabilities to remain in a family setting, rather than being placed in institutional care. The State party was to be commended on its primary health-care services, especially in rural areas, which were among the best in the region, and on having set up mental health units across the country to grant persons with

disabilities access to mental health services in their own communities. He also welcomed the adoption of the comprehensive plan of action on the rights of children and juveniles, which included strategies targeting the needs of children with disabilities. Interestingly, veterans with disabilities seemed to receive additional support services and benefits that other persons with disabilities did not. The State party should ensure that all persons with disabilities enjoyed access to services and benefits on an equal footing. The Committee's mandate was not, however, to evaluate the effectiveness of the State party's welfare services but to assess its efforts to implement the Convention, in which persons with disabilities were viewed as rights holders and not simply as recipients of welfare.

15. He asked whether the State party intended to withdraw the declaration it had made on ratifying the Convention to the effect that it did not consider itself bound by any provisions of the Convention that might be incompatible with its applicable rules; whether it planned to ratify the Optional Protocol to the Convention; whether there was any provision of the Convention that conflicted with Islamic law and could therefore not be implemented; and how the State party reconciled the fact that the two institutions tasked with monitoring the implementation of the Convention were in fact government-run service providers and not independent bodies.

16. Given that the State party still restricted the legal capacity and liberty of persons with disabilities on the basis of impairment, it would be useful to know whether they were free to choose their place of residence, where and with whom to live and the extent to which they could exercise control over their own lives. He would also appreciate more information on the measures taken to combat the multiple and intersectional discrimination experienced by women and girls with disabilities and persons with disabilities belonging to ethnic, religious or linguistic minorities, and on the actions taken to protect persons with disabilities against violence and ill-treatment.

17. Lastly, the Committee was disappointed to have received only scant information from civil society organizations, which made the task of comparing and confirming the validity of the information provided by the State party all the more difficult. Indeed, the Islamic Republic of Iran was one of the few States parties that had not submitted a comprehensive shadow report prepared by an independent civil society organization or an organization of persons with disabilities. In addition, the Committee had been unable to hold a briefing with or receive input from persons with disabilities through their representative organizations ahead of its interactive dialogue with the State party. While it was commendable that the State party delegation included two eminent Iranians with disabilities and he trusted that their presence was not merely symbolic, it was to be hoped that persons with disabilities, their representative organizations and Iranian civil society in general would participate more actively in future dialogues.

Articles 1-10

18. **Mr. Raskas** said that the official definition of disability contained in article 1 of the Comprehensive Law on the Protection of Persons with Disabilities appeared to be informed solely by the medical model of disability, as it made no reference to the social barriers to the effective participation and inclusion of persons with disabilities in Iranian society. More generally, disability seemed to be viewed as a reversible impairment, to be overcome through education and training and the use of technology. He asked whether the State party intended to align its definition of disability with that contained in article 1 of the Convention; whether the State Welfare Organization had a specific mandate to prevent disability, which would also be redolent of a medical approach; and whether the State party's legislation concerning persons with disabilities generally covered all types of disabilities and promoted the inclusion and participation of those persons in Iranian society. He also wished to know what services were made available to children with intellectual or psychosocial disabilities from the time of their birth; what support was provided to their families; whether they were guaranteed access to education at all levels; and what kind of schools they attended.

19. **Mr. Chaker** asked whether it was still common practice in the Islamic Republic of Iran, as it was in nearly all Muslim countries, for members of the same family, including

commitment, to marry and, if so, whether any efforts had been made to raise awareness of the risk of their children being born with a disability.

20. **Mr. Tadié** said that he would be interested to know how persons with disabilities who experienced discrimination could vindicate their rights and what legal remedies were available to them. It would also be useful to receive information on court cases in which persons with disabilities or their family members had claimed disability-based discrimination and on the outcomes of those cases. Given that Islamic law provided that persons with disabilities should be treated with respect and esteem, he wondered whether the Government, in conjunction with the country's religious authorities, had made efforts to raise awareness of the rights of persons with disabilities and the need to guarantee their participation in Iranian society. He also wished to know whether failure to implement accessibility standards carried a criminal penalty; whether architects, urban planners and civil engineers studied accessibility and universal design as part of their mandatory training; and whether airports, public transport vehicles, hotels and government buildings in the Islamic Republic of Iran were accessible to persons with a physical disability, especially wheelchair users.

21. **Mr. Ishikawa** asked whether Iranian law recognized denial of or failure to provide reasonable accommodations to persons with disabilities as a form of discrimination and whether the Comprehensive Law on the Protection of Persons with Disabilities required compliance with the web accessibility standards set by the World Wide Web Consortium and the International Organization for Standardization.

22. **Mr. Pierre Desmar** asked whether disability-based discrimination was actually criminalized in Iranian law. He also wished to know whether the State party conducted awareness-raising campaigns aimed at preventing disability-based discrimination and promoting respect for the rights of persons with disabilities and, if so, how such campaigns were received by the public and how the State party reconciled the fact that its definition of disability was still based on the medical model.

23. **Mr. Bashara** said that the official definition of disability contained in article 1 of the Comprehensive Law on the Protection of Persons with Disabilities pointed to a number of misconceptions about disability in the State party and that the existing concept should be redefined to ensure consistency with the Convention. He would appreciate an explanation of the term "unjust discrimination" appearing in the first line of paragraph 19 of the State party's report. He asked what measures the State party had taken to ensure that women and children with disabilities could participate in decision-making processes affecting their rights and in the public and political life of the country on an equal footing with others and how it protected them against multiple and intersectional discrimination. It would also be useful to know whether the State party considered that the awareness-raising campaigns conducted to date and the coverage given to persons with disabilities by the media had brought about a change in attitude towards them.

24. **Mr. Martin** said that he would like to hear more about the disability-awareness training conducted by the State party and whether its content was in line with the Convention.

25. **Mr. Abouf** asked whether the State party planned to shift from a medical to a social approach in dealing with disability issues, particularly disability regulations.

26. **Mr. Kim Hyung Shik** said he too had the impression that veterans with disabilities were entitled to a wider range of support services and enjoyed benefits that other persons with disabilities did not. Moreover, the State party continued to adopt a traditional approach to delivering disability services, whereby persons with disabilities were seen only as recipients of welfare and not rights holders whose inclusion and participation in society should be guaranteed. Noting that article 2 of the Comprehensive Law on the Protection of Persons with Disabilities required all ministries and government bodies to ensure that their buildings were accessible to persons with disabilities, he asked how their compliance with the applicable accessibility standards was enforced. He would also like to know whether the definitions of equality, non-discrimination and reasonable accommodation contained in the Convention had been incorporated into Iranian law and whether persons with disabilities and their representative organizations had been consulted in that regard.

27. **Mr. Kabue**, noting that international treaties ratified by the State party automatically became part of the national legal framework and that judges could therefore base their rulings on the Convention, asked whether the planned training on the instrument for members of the judiciary had been conducted and what topics it had covered. He would also appreciate an update on the status of the bill for the protection of women against violence and confirmation as to whether it specifically covered women with disabilities. He too had been disappointed not to have been able to meet with or receive contributions from the organizations of persons with disabilities with which the State party collaborated. Recalling the State party's obligation under article 33 of the Convention to involve those organizations in the process of monitoring its implementation, he asked the delegation to provide the names of those organizations and to detail any joint initiatives that they had undertaken to date.

28. **Mr. Pyaneandee** said that, although Islamic law provided that persons with disabilities should be treated with respect and esteem, respect and esteem did not constitute in and of themselves a guarantee of equality and non-discrimination. He asked how many women and girls with disabilities had lodged a complaint of multiple or intersectional discrimination since the State party had submitted its report and what legal remedies were available to them.

29. **Mr. Buntan** said that the Committee had received reports that, in the Islamic Republic of Iran, persons of diverse sexual orientation and gender identity were often considered to have a psychosocial disability and underwent treatment intended to correct their perceived impairment. He asked what steps the State party was taking to address the prevailing tendency to conflate diverse sexual orientation and gender identity with psychosocial disability and whether Iranian law drew a clear distinction between the two concepts.

30. It appeared that, despite some 20 per cent of metro stations in the capital being equipped with accessibility features, many persons with disabilities still struggled to gain access to metro platforms and were prevented from moving freely about the city. He asked how the State party planned to remedy that situation.

31. **Mr. Rukhledev** said that the State party also had a duty to ensure that information was accessible to persons with a sensory impairment. He asked whether, in the State party, sign language was recognized as an official language; whether there were training programmes for sign language interpreters; and how many sign language interpreters and teachers of sign language were currently employed.

32. **The Chair** asked whether the State party considered compulsory premarital genetic examinations, the purpose of which was to prevent the birth of children with disabilities, to be a measure conducive to the implementation of the Convention. She recalled that article 23 of the Convention enshrined the right of all persons with disabilities who were of marriageable age to marry and to found a family. If such an examination revealed one or both partners to have a hereditary impairment and they were subsequently prevented from marrying and having children on that basis, it was clear that such examinations were inconsistent with the spirit and letter of that article. The State party should bear in mind that the purpose of the Convention was to protect the human rights of persons with disabilities and not to prevent disability or impairment. She asked whether the State party recognized that the criminalization of homosexuality and inaction in the face of widespread prejudice and discrimination on the basis of sexual orientation exposed the lesbian and gay community to a serious risk of poor mental health and of developing a psychosocial disability. Did the State party intend to decriminalize homosexuality and to amend the Islamic Penal Code accordingly in the near future?

The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.

33. **Mr. Naziri Asl** (Islamic Republic of Iran) said that, prior to ratification, the State party had evaluated the compatibility of its national laws and Constitution with the obligations it would assume under the Convention. Although no incompatibility had been found, it had nonetheless been decided to make the declaration referred to, which laid down, in a general way, the principle of congruence with the Islamic sharia. Article 46 of the

Convention permitted reservations and declarations that were not contrary to its object and purpose. The Government would continue to implement the instrument in good faith.

34. **Mr. Morini** (Islamic Republic of Iran) said, with regard to awareness-raising, that, under the Comprehensive Law on the Protection of Persons with Disabilities, the national broadcaster had an obligation to allocate at least two hours per week of radio and television programming to disability-related issues. According to figures for 2015, some 1,150 hours of such programming had been broadcast. The State Welfare Organization held an average of one national and four provincial workshops on the Convention every year. Academic institutes, schools and universities also provided training on and raised awareness of citizens' rights, including those of persons with disabilities. The second edition of a short film and documentary festival highlighting the abilities and competencies of persons with disabilities had been held in 2016. For the third year, Iranian organizations of persons with disabilities had held a series of workshops on the Convention in various cities and provinces aimed at NGOs working on disability rights, personnel from the State Welfare Organization and civil society activists, among others. In addition, social networking websites had been set up to disseminate information and raise awareness about the Convention and disability rights among persons with disabilities themselves and give them the opportunity to provide input. Training had been provided to civil servants and judicial personnel, as well as other groups such as the staff of the Tehran public bus company and tutors working for Tehran City Council. In 2013, 60,000 copies of a publication on the rights of persons with disabilities had been distributed to students in schools nationwide. The aforementioned activities had been undertaken by Iranian NGOs. Of course, awareness-raising was an ongoing process and not a one-time effort; campaigns would therefore continue to be strengthened, but they had already had a positive impact, and the level of awareness among members of the executive, legislative and judicial authorities had increased significantly. NGOs had established independent secretariats to monitor national measures for the implementation of the Convention.

35. **Mr. Nahvinejad** (Islamic Republic of Iran) said the fact that the medical commission of the State Welfare Organization was mentioned in the definition of disability contained in the Comprehensive Law on the Protection of Persons with Disabilities did not mean that the Iranian model of disability was a purely medical one. The State party had accepted the definition of disability developed by the World Health Organization, which focused on the interaction between impairment and environment, and also applied the International Classification of Functioning, Disability and Health. Increasing attention was being paid to the inclusion of social aspects in the definition of disability. When establishing disability, the medical commission, which included social workers and therapists, studied the individual's social circumstances as well as his or her impairment, and its decisions took account of both medical and social issues.

36. One of the main tasks of the State Welfare Organization was the prevention of disability, and it had been successful in that regard. Close to 90 per cent of babies born in the country were screened for hearing and visual problems, and it was estimated that, in the past 10 years, some 15,000 hearing impairments had been prevented. There were public awareness campaigns to warn of the risks associated with marriage and reproduction between close relatives. While attendance at a genetic counselling centre was mandatory for all intending spouses, it was the choice of the persons concerned whether to marry or conceive. Screening had been introduced for metabolic conditions and autism and would be offered for Alzheimer disease later that year.

37. With regard to accessibility and universal design, although many measures had already been taken, it was clear that change could not happen overnight. A special ad hoc commission had been established to monitor the construction of buildings, and a text messaging service had been set up to allow citizens to report accessibility issues in government buildings. The necessary training was provided to engineers, architects and construction professionals in order to improve accessibility. By law, municipalities were not allowed to issue final certificates of construction for buildings that did not meet accessibility standards. The State Welfare Organization conducted an annual accessibility assessment and reported non-compliant organizations to the President. Accessibility of buildings and public spaces was now one of the criteria used in the annual ranking of

government institutions. A national conference on accessibility was held annually, at which engineers, architects and persons with disabilities had the opportunity to exchange views. On the occasion of the International Day of Persons with Disabilities, officials took to the streets to highlight accessibility issues and raise awareness.

38. Of course, physical accessibility was only one aspect. A project was under way with the United Nations Educational, Scientific and Cultural Organization to improve accessibility of information and communications technology for persons with visual impairments. Text-to-speech technology was available, and printed texts were being converted to Braille and other formats. University attendance by students with visual impairments had increased significantly thanks to such technology.

39. There was no discrimination against transsexual persons, and in fact the State Welfare Organization had a dedicated department to provide support and special services to that group. With regard to monitoring implementation of the Convention, in 2015 the Government had established the Coordinating Council of Persons with Disabilities, chaired by the Minister of Labour and with the participation of organs of the judiciary and the national broadcaster, *inter alia*. A bill amending the Comprehensive Law on the Protection of Persons with Disabilities had been drafted and was currently under consideration. An emergency hotline — 123 — had been set up for reporting cases of harassment or abuse, particularly against women and children with disabilities. The State Welfare Organization brought such cases before the courts in response to verified complaints.

40. **Mr. Ghabfarokhi** (Islamic Republic of Iran) said that both veterans and civilians with disabilities were entitled to receive the services and protections provided for under the Convention and that no distinction was made between the two groups. However, it was true that veterans with disabilities received some additional benefits owing to the fact that they had been victims of terrorist attacks or armed conflict. The provision of those benefits was considered a humanitarian imperative, and the public was generally well disposed towards persons who had acquired a disability in service of the country. Indeed, public perceptions of all persons with disabilities were positive.

41. **Ms. Hamed** (Islamic Republic of Iran) said that, under Iranian legislation, all persons were equal before the law. Anyone who believed that he or she had been a victim of discrimination, including women and girls and persons with disabilities, was entitled to file a complaint through one of the various mechanisms available. There were special courts to deal with cases of discrimination involving the police, the armed forces, civil servants and members of the judiciary. The Prosecutor General was duty-bound to take action in respect of violations of the rights of persons with disabilities, particularly those with severe intellectual disabilities. No figures were available on the number of cases of disability-based discrimination that had been brought. There was, in addition, a parliamentary commission that addressed complaints of discrimination, and the administrative court dealt with actions or decisions of government bodies that violated citizens' rights, including those of persons with disabilities. Compensation was paid to persons who had been treated in a discriminatory manner. Reasonable accommodation was provided to the extent possible in the justice system, and it was intended to expand such provision in the long term. A range of mandatory training sessions on citizens' rights was organized throughout the year for members of the judiciary, and there were plans to provide training for judges on all international conventions ratified by the Islamic Republic of Iran.

42. **Mr. Naziri Asl** (Islamic Republic of Iran) said that a distinction was drawn in Iranian law and practice between positive discrimination and unjust discrimination. There were no differences in treatment between civilians with disabilities, on the one hand, and veterans with disabilities, on the other. The different services available to the two groups simply reflected their differing needs.

43. **Mr. Ghafourian** (Islamic Republic of Iran) said that the curriculum taught in special schools included a module on life skills and empowerment. In addition, workshops were held for parents of children with disabilities; in 2016, more than 7,000 sessions had been organized in schools nationwide, benefiting close to 250,000 parents. Training was also provided by NGOs. With regard to technical and vocational skills training for girls with disabilities, more than 1,800 students in 141 schools had received training in subjects

such as cooking, administration, woodwork, family management, carpet weaving and gardening. Nine modules related to the needs of pupils with disabilities were on offer at the teacher-training college. Sign language was used in special schools for students with hearing impairments, and teachers received appropriate training. The State Welfare Organization had provided sign language training to 3,000 clerics, and the necessary support was made available for sign language interpreters. Several thousand students with severe intellectual disabilities were studying at various levels of education.

44. **Mr. Naziri Asl** (Islamic Republic of Iran) said that a CD providing an overview of the education system for persons with disabilities had been distributed to the Committee members.

45. **Ms. Saraie** (Islamic Republic of Iran) said that the principle of non-discrimination against women was enshrined in the Constitution. There were a number of development plans for vulnerable girls, including girls with disabilities. The sixth national development plan, which would be launched in 2017, included provisions to improve the status of women and increase literacy levels, job opportunities and access to welfare and social security for women. Special attention was paid to empowering women and enabling them to reach senior management posts. The Vice-President for Women and Family Affairs was the highest national authority for the improvement of the status of women, and many women were employed as advisors in that department. There were special support mechanisms for women, including women with disabilities, who experienced discrimination, such as the emergency hotline, the judicial hotline, social work clinics, shelters and the rehabilitation centres of the State Welfare Organization. The bill for the protection of women against violence covered all women, including women and girls with disabilities.

Articles 11-20

46. **Mr. Tatić** said that he would be grateful for a reply to his question on the accessibility of the State party's capital. He asked how the hotlines mentioned were made accessible to deaf persons and persons with intellectual disabilities. He would be interested to know more about the provision of sign language interpretation services in court and administrative proceedings, including the number of available interpreters. He would be grateful for information on the possibility of hiring professional personal assistants for persons with disabilities who required 24-hour assistance.

47. **Mr. Ishikawa**, referring to the information provided in the written replies (CRPD/C/IRN/Q/1/Add.1) concerning the issue of guardianship, said that the delegation might wish to comment on any measures or policies adopted by the Government to prevent the unnecessary restriction of the human rights of persons under guardianship, including access to justice and the right to vote.

48. **Mr. Ruskus** said that he would welcome information on the living conditions of adults with intellectual and psychosocial disabilities, including the supports for social inclusion available to them. He wished to know whether any specific approach was followed to protect women with intellectual or psychosocial disabilities in institutions from gender-based violence. Expressing concern at reports of persons with disabilities being institutionalized under the guise of providing medical treatment, he asked whether there were any plans to end the practice and to provide persons with intellectual and psychosocial disabilities with support to live independently in the community.

49. **Mr. Kabue**, referring to the efforts undertaken by the Iranian Red Crescent Society in the area of disaster risk reduction, as outlined in the replies to the list of issues, asked whether that organization worked in conjunction with the Government or whether it took over responsibility from the Government in that area. Noting that all war veterans with disabilities were covered by disaster insurance, he asked what happened in situations of risk to other persons with disabilities who did not have similar insurance. With regard to access to justice, he wondered whether the fact that the State Welfare Organization defended the legal rights of persons with disabilities in court and provided them with legal counsel meant that they had no choice as to who represented them. It was a matter of concern that persons who were sentenced to prison for committing a crime or for failing to pay a fine would, in

case of "insanity", be placed in a psychiatric hospital or other suitable place until recovery, since that might put them at risk of forced treatment. He invited the delegation to comment on that point.

50. **Mr. Martin** said that he would like to receive information on how the State party was implementing article 12 of the Convention, including on whether it was repealing its guardianship laws and putting in place a system of supported decision-making. He also wished to know whether persons with intellectual disabilities had choices about where and with whom they lived and whether they received the necessary support to be included in the community.

51. **Mr. Lovász** said that he would like to know more about the provision of assistive technology to persons with disabilities. The delegation should provide data disaggregated by impairment, age, sex and type of technology, and explain the eligibility conditions for receiving such supports. He asked what measures were in place to prevent children with disabilities who were deprived of parental care from being institutionalized. Was he right in assuming that the students using sign language were those studying in special schools only?

52. **Mr. Chaker** said that he wished to know more about the accessibility of the courts and the number of sign language interpreters available.

53. **Mr. Basharu** said that he would welcome information on the provision of information to persons with disabilities in times of emergency, particularly in Braille and sign language. In that connection, he wondered whether the State party's emergency telephone numbers could be accessed by deaf persons. He also wished to know whether persons with disabilities were taken into account in the evacuation plans for emergencies and risk situations. Lastly, he asked what mechanisms were in place to provide the necessary aids and assistive devices to support the personal mobility of persons with disabilities.

54. **Mr. Kim Hyung Shik** said he was surprised that, despite the country's history of armed conflict and the considerable risk of landmines and frequent earthquakes, the measures taken under article 11 of the Convention seemed to be merely reactive rather than proactive, and that it was left to NGOs or persons with disabilities themselves to prepare for and deal with such situations. What role did State responsibility play in that area? He asked what plans the State party had to ensure that persons with disabilities could live independently.

55. **Mr. Pyaneandee** said that he would be interested to hear the delegation's comments on reports from civil society sources that there were serious issues in relation to article 16 of the Convention, especially for women with psychosocial and intellectual disabilities, who were reportedly exploited and even sexually abused. If such problems existed, how did the State party propose to deal with them? How did the victims of such treatment secure access to the justice system?

56. **Mr. Buntan** said that he would like to hear the delegation's views on the fact that defendants with psychosocial or intellectual disabilities were more likely to be sentenced to the death penalty because of the lack of a fair trial or to have the proceedings against them dismissed because they were not considered fit to stand trial. He asked whether it was true that those found guilty of murdering a person with a disability received a lighter sentence than if the victim had not had a disability. He would be interested to know more about the situation of persons who had been subjected to amputation or blinding as a form of punishment. Were they treated in the same way as other persons with disabilities and entitled to the same services or were they left to their own devices?

57. **The Chair** asked how data on persons with disabilities under guardianship living in care institutions and prisons was collected. She also wished to know what concrete steps were envisaged to repeal the legislation on withdrawal of legal capacity, which hindered access to justice for those affected and prevented them from living independently in the community. She asked what specific measures were taken to investigate, and identify and punish the perpetrators of, cases of abuse, violence, torture and ill-treatment where the victims were persons with disabilities, especially persons with intellectual or psychosocial disabilities and children with disabilities living in public facilities.

The meeting rose at 6 p.m.



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**Committee on the Rights of Persons with Disabilities
Seventeenth session**

Summary record of the 303rd meeting

Held at the Palais des Nations, Geneva, on Thursday, 23 March 2017, at 10 a.m.

Chair: Ms. Degener

Contents

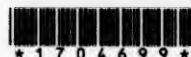
Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the Islamic Republic of Iran (continued)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35
(continued)

*Initial report of the Islamic Republic of Iran (continued) (CRPD/C/IRN/1;
CRPD/C/IRN/Q/1 and Add.1)*

1. *At the invitation of the Chair, the delegation of the Islamic Republic of Iran took places at the Committee table.*

Articles 11-20

2. **Mr. Naziri Asl** (Islamic Republic of Iran), replying to questions asked at the previous meeting, said that the Islamic Republic of Iran had a high rate of accession to international instruments and that the Government had begun the necessary, but time-consuming, consultations with stakeholders regarding possible ratification of the Optional Protocol to the Convention.

3. **Ms. Nemati** (Islamic Republic of Iran) said that, as the first Iranian woman to win a medal at the Paralympic Games, she was proof that women, including those with disabilities, could succeed in sport. However, such success could not be achieved without the support of the Government and other actors, especially athletes' families. Henceforth, her mission was to inspire women and girls with disabilities not to surrender to their disability and to encourage men to stand by them in their pursuit of empowerment. The involvement of women with disabilities in sport was on the agenda for mainstreaming at the community level. A national Paralympic day had been introduced with the aim of increasing the practice of sport by persons with disabilities. Although much remained to be done, efforts would continue until the goal of providing the best possible life for persons with disabilities, especially women and girls, had been realized.

4. **Mr. Jafarzadeh** (Islamic Republic of Iran) said that the Iranian Red Crescent Society was not the sole organization involved in disaster management. It tended to intervene at the onset of a disaster or crisis, while the State Welfare Organization took over in subsequent stages. The national committee established to prevent disability, which was made up of government bodies and non-governmental organizations (NGOs), had a duty to take steps to protect health in the event of natural disasters. Persons with disabilities were taken into account in disaster preparedness initiatives. For example, consideration was given to the needs of students with disabilities during the earthquake drills that were conducted in schools. Two conferences on the provision of rehabilitation services had been held, as well as workshops for teachers and students in relation to the Sendai Framework for Disaster Risk Reduction.

5. **Mr. Ghafourian** (Islamic Republic of Iran) said that providing training in Braille was a top priority of the special education department of the Ministry of Education. Accordingly, considerable training in the use of Braille script was provided to students with visual impairments in both mainstream and special schools. In addition, there were plans to train teachers in mainstream schools and parents of students with visual impairments to read Braille and use Braille script machines. An ad hoc working group had been set up to adopt unified sign language teaching methods, and refresher courses were also available for sign language interpreters working in mainstream schools.

6. **Ms. Hamed** (Islamic Republic of Iran) said that over a third of courts and judicial buildings were currently accessible for persons with disabilities and that the plan was to increase access as much as possible over the next 10 years. An electronic complaints system had been put in place so that persons with disabilities could follow the progress of their complaint without having to come to court in person unless instructed to do so by the authorities. In addition, in-home interviews and videoconferencing were to be the preferred method of communication in legal proceedings involving persons with disabilities. Under criminal procedure law, whenever a person involved in proceedings could not speak Farsi or had a visual or hearing impairment, the requisite professional help had to be made available for hearings. Failure to provide such assistance was a violation of the law and the judge hearing the case could be prosecuted.

7. Under the Islamic Penal Code, a person who could not distinguish between right and wrong could not be held accountable for an offence. Offenders should be treated in hospital if their mental disability made them a threat; otherwise, they were incarcerated in prisons. By law, the right to life was universal and no distinction was made between persons with and without disabilities in that regard. Breaches of patient confidentiality by health-care professionals carried a penalty of 3 to 6 months' imprisonment. Civil servants who divulged personal information faced dismissal.

8. **Mr. Nahvinejad** (Islamic Republic of Iran) said that there were no mobility issues for wheelchair users in Tehran and that a website had been created through which they could request special transportation. In addition, a system was in place whereby persons with disabilities could send a text message to report buildings and streets that were poorly accessible. Steps were being taken to correct accessibility problems in the Tehran metro and improve safety, particularly for passengers with visual impairments. Strategic committees on disability issues, involving persons with disabilities, had been set up in municipalities across the country, and plans were under way to facilitate accessibility, particularly in high traffic urban areas. Measures were also being taken to make historical sites outside the capital more accessible.

9. In 2015, there had only been around 300 sign language interpreters in the country. However, training had been stepped up since then: 170 interpreters had been trained and the intention was to train a further 150 annually. The training was provided in conjunction with NGOs and had been extended to clerics. According to State Welfare Organization guidelines, there should be a sign language interpreter in every social welfare department. In addition, efforts were being made to train assistants for persons with disabilities.

10. Most individuals who were placed under the guardianship of the State Welfare Organization or an institution had such severe disabilities that they were unable to live independently or their families were unable to care for them. Nothing was imposed on persons with disabilities, whom the State provided with options to live independently; however, those who did not have family or a guardian were by law wards of the State. Plans were under way to set up small houses for assisted independent living. To that end, a memorandum of understanding had been signed with Germany, which was a pioneer in the field. Persons with chronic mental illness were gradually given the opportunity to live independently and reintegrate into society through a halfway house project.

11. Persons with disabilities living in institutions were covered by accident insurance, and protocols were in place in the event of a natural disaster or crisis. Health insurance was universal, regardless of whether or not a person had a disability, and a medical examination was no longer necessary for obtaining an insurance policy. The State Welfare Organization supplemented health insurance for low-income groups, including persons with disabilities.

12. Much progress had been made in the past decade in providing a range of assistive devices to persons with disabilities. Moreover, it was now possible to benefit from foreign technology and scientific advances and to attend industry fairs abroad. Although 80 per cent of devices were manufactured domestically, some, in particular hearing aids, were imported. Over 1,000 cochlear implant surgeries were performed each year. Applications for persons with disabilities were available for download in Farsi and English from the website of the State Welfare Organization, and meetings were held with NGOs annually to discuss what new assistive devices were needed.

13. The State Welfare Organization was responsible for providing services to prevent violence against women with disabilities. It had early detection and intervention mechanisms in place, as well as a social emergency department tasked with identifying cases of exploitation, harassment, neglect and bullying in the workplace or educational facilities. The public could report cases to the department, which also cooperated with the police where necessary. The State Welfare Organization ran shelters for victims with disabilities, most of whom were women and girls, in all the provinces of the country. Psychologists and counsellors were on hand and training was available to help victims reintegrate into society.

14. **Mr. Ghahfarokhi** (Islamic Republic of Iran), providing a statistical overview of the situation with respect to landmines in the country, said that, as a result of the war with Iraq,

the Islamic Republic of Iran had the second worst landmine problem in the world. Nevertheless, marked progress had been made in demining efforts and in reducing mine-related deaths and injuries between 2009 and 2015, without any assistance from the international community. NGOs were involved in awareness-raising efforts.

15. **Mr. Naziri Asl** (Islamic Republic of Iran) stressed that, without international cooperation, including technology transfers, the Government was not in a position to adequately address the landmine issue.

16. **Ms. Hamed** (Islamic Republic of Iran) said that a person with a psychosocial disability who committed an offence under the Islamic Penal Code would be punished commensurately with the seriousness of the offence; no offence went unpunished.

17. **The Chair** drew the State party's attention to the Committee's general comment No.1 (2014) on article 12 and its guidelines on article 14.

Articles 21-33

18. **Mr. Tatić** asked how many hours of television broadcasting were interpreted into sign language per day and whether audio description was available for Iranian films. He also wished to know how many people had used the electronic complaints mechanism referred to and what the outcome of the complaints had been. Lastly, he asked what percentage of websites had been made accessible for blind persons and whether the State party had reached out to other countries to learn from their experience with online accessibility.

19. **Mr. Kabue** said that he would like to have further information on the impact and effectiveness of the 3 per cent quota for employment of persons with disabilities in government organizations and publicly funded bodies. Referring to paragraph 161 of the replies to the list of issues (CRPD/C/IRN/Q/1/Add.1), he asked what steps were being taken to amend the provisions on parliamentary elections that effectively excluded the candidacy of persons with certain types of disabilities.

20. **Mr. You Liang**, recalling that the Islamic Republic of Iran had volunteered to be reviewed at the high-level political forum on sustainable development in 2017, said that he would encourage the State party to include organizations of persons with disabilities in its reporting. Noting that seven of the Sustainable Development Goals were linked to articles of the Convention, he asked how the State party mainstreamed the rights of persons with disabilities into its implementation of the Goals. He also wished to know what measures the State party was taking to ensure that persons with disabilities were able to get out of poverty. Lastly, he asked whether Paralympic athletes were treated in the same way as Olympic athletes in respect of the sports bonus.

21. **Mr. Rukhlev** asked what steps were being taken to ensure that persons with disabilities could exercise their right to participate in elections and public life on an equal basis with others, what the voting rate was among persons with disabilities who lived in rural areas or could not access polling stations, and whether persons with disabilities were represented in the parliament. He also wished to know whether electoral materials were accessible and what practical measures were in place to ensure the accessibility of polling stations. He asked to what extent persons with disabilities and their representative organizations were involved in decision-making at the municipal and regional levels. Lastly, he invited the delegation to comment on the measures taken to develop sport for deaf persons, to ensure access to sports activities and facilities for children with disabilities, and to stimulate the athletic potential of persons with disabilities.

22. **Mr. Ishikawa** said that the State party was to be commended on its development, in partnership with civil society organizations, of a high quality text-to-speech engine that supported Farsi. He asked how the State Welfare Organization and the Foundation of Martyr and Veterans' Affairs took into account the views of persons with disabilities, especially women and children and those with intellectual or psychosocial disabilities, when assessing the implementation of the Convention.

23. **Mr. Ruskus** said that the State party should review its use of language to avoid patronizing terms such as "special students", which promoted segregation and were not in

line with the Convention. He would like to know how many children with disabilities were in mainstream education, what impairments those children had and whether any of them had intellectual disabilities. Information on the gender ratio among those children and the support provided to them in mainstream schools would also be welcome. Lastly, he invited the delegation to explain how inclusive education was regulated by national legislation and to describe any plans to strengthen inclusive education in accordance with the Committee's general comment No. 4 (2016).

24. **Mr. Martin**, welcoming the State party's efforts to improve living arrangements for persons with disabilities in collaboration with Germany, said that he would like to know whether persons with disabilities would be able to choose where and with whom they wished to live. In addition, he would appreciate confirmation as to whether persons with disabilities, including those with intellectual disabilities, were able to vote and whether assistance and accessible information on voting was provided to them. Data on the proportion of children with disabilities who received inclusive education in line with article 24 of the Convention would be helpful.

25. **Mr. Parra Dussan** asked whether the State party had established international cooperation with other Islamic countries. He invited the delegation to clarify who was responsible for coordinating implementation of the Convention and harmonizing public policies concerning persons with disabilities.

26. **Mr. Chaker** said that, while the measures taken to facilitate the use of Braille were most commendable, it was also important to ensure that computers and websites were accessible for blind persons.

27. **Mr. Basharu** said that it would be useful to learn about measures to improve the provision of information to persons with disabilities, especially via electronic media. Details about the physical accessibility of health facilities for persons with disabilities, especially women and girls with disabilities and persons with intellectual and psychosocial disabilities, and about the availability of accessible information for those seeking health services would also be appreciated. He wished to know what steps had been taken to provide reasonable accommodation in the workplace. He would also be interested to hear what was being done to ensure the accessibility of voting procedures and whether sign language interpretation was provided at polling stations. With reference to paragraph 176 of the State party report (CRPD/C/IRN/1), he invited the delegation to clarify the use of the term "mutilated people", which appeared not to be in line with the Convention.

28. **Mr. Kim Hyung Shik** said that he would welcome the delegation's comments on concerns that rehabilitation services were based primarily on physical medicine, at the expense of vocational reorientation, for example. He would also be grateful for clarification as to whether the State party's community-based rehabilitation programmes covered all key components of the World Health Organization community-based rehabilitation matrix. In the light of reports that over 60 per cent of persons with disabilities were unemployed, he wished to know what proportion of public and private sector positions were occupied by persons with disabilities and whether the sustainable jobs that had been created were equivalent to employment in the open labour market or traditional sheltered employment. Lastly, more details about the standard of living of unemployed persons with disabilities and efforts to prevent such persons from falling into chronic poverty would be appreciated.

29. **Mr. Pyaneandee** said that the Committee would like to have more information on the adoption system, notably the rules governing the adoption of children with disabilities and adoptions by adults with disabilities, which appeared to be at variance with the Convention. Secondly, he wished to know whether there were sanctions for denial of reasonable accommodation in the workplace and, if so, who enforced them.

30. **Mr. Buntan**, noting that there was no reference to disability-based discrimination in the Iranian Constitution or any legislation, said that he would appreciate information on plans to explicitly prohibit such discrimination, including denial of reasonable accommodation. He would also like to know more about the situation of refugees with disabilities who were not covered by the initiatives mentioned in the State party report and the replies to the list of issues; in particular, he wished to have details about cases of violations of their rights and measures taken to protect those rights.

31. It would be interesting to learn about the availability of easy-to-read or plain-language information and communication, especially in public facilities and official interactions. He wished to point out that the provision of special schools did not constitute an inclusive policy. In that connection, the delegation should elaborate on any plans the State party had to develop an inclusive education system and indicate what the role of special schools would be under such a system. Information on the availability of accessible communication on sexual and reproductive health services for persons with disabilities would also be appreciated. While the introduction of a monthly living allowance for persons with disabilities was welcome, he would like to have details about the amount provided to recipients, the eligibility criteria and the value of the allowance compared to the minimum wage.

32. He wished to know how the State party intended to remove the barriers preventing persons with disabilities from participating in political life, including the bar on their election to political office, and whether legislative changes would be made to enable persons under guardianship to exercise their political rights.

33. It would be useful to hear whether the State party intended to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. Lastly, the delegation should indicate whether there were plans to establish or designate an independent monitoring mechanism with a clearly defined role, in accordance with article 33 (2) and (3) of the Convention.

34. **The Chair**, noting that her question regarding the decriminalization of homosexuality had not yet been answered, said that she also wished to know what health services were provided for lesbian and gay persons with psychosocial disabilities caused by minority stress. She invited the delegation to comment on reports that such persons continued to be subjected to harmful conversion therapies and on the statement, made by the head of the High Council for Human Rights, that homosexuality was an illness requiring treatment. She noted in that regard that homosexuality was not included in the International Classification of Diseases and that conversion therapies had been condemned by the Special Rapporteur on torture.

35. **Mr. Buntan** said that he would like to know whether measures had been taken to support lesbian, gay, bisexual, transgender and intersex persons with disabilities who lost the support of their families and social benefits provided by public or private organizations following the disclosure of their sexual orientation. Lastly, he asked what support was available to landmine victims living with disabilities who were under the age of 18.

The meeting was suspended at 11.40 a.m. and resumed at 12.20 p.m.

36. **Mr. Naziri Asl** (Islamic Republic of Iran) said that his country had signed the Marrakesh Treaty and planned to initiate the ratification process.

37. **Mr. Jafarzadeh** (Islamic Republic of Iran) said that, under the law establishing the State Welfare Organization, persons with disabilities must account for between 2 and 5 per cent of staff of all government organizations and NGOs; any failure to comply with that quota was investigated and, in the case of NGOs, punishable by a fine that was payable to the State Welfare Organization and served to finance the creation of jobs for persons with disabilities. Other relevant State obligations, detailed in paragraph 149 of his country's report, included the provision of technical and vocational training to persons with disabilities through the Technical and Vocational Training Organization. Article 119 of the Labour Code stipulated that employment services should be made available for persons with disabilities and obliged the Ministry of Cooperatives, Labour and Social Welfare to ensure that workplaces provided any welfare facilities required by employees with disabilities. The claim that 60 per cent of persons with disabilities were unemployed was inaccurate; in any case, all unemployed persons with disabilities received a monthly unemployment allowance from the State.

38. **Mr. Moeini** (Islamic Republic of Iran) said that the State Welfare Organization and the Foundation of Martyr and Veterans' Affairs helped to monitor the implementation of the Convention by compiling data from various government bodies, which had been used to produce his country's report. Networks of NGOs, which had pooled information for the

shadow report, played a role in monitoring both the implementation of the Convention and the work of the State Welfare Organization and the Foundation of Martyr and Veterans' Affairs. Monitoring was also conducted by bodies such as the Coordinating Council of Persons with Disabilities and the parliament. The State party was working to improve coordination between the various monitoring mechanisms.

39. **Mr. Nahvinejad** (Islamic Republic of Iran) said that sign language interpreting was provided for a range of television programmes, including those shown during prime time. In 2015, sign language interpreting had been provided for some 1,150 hours of radio and television broadcasting, including 342 hours of programmes aimed specifically at persons with disabilities. There were plans to increase the quantity and quality of programmes for persons with disabilities. Nearly 50 per cent of Iranian NGOs working to protect the rights of persons with disabilities had official websites, where they raised awareness of related issues and advertised events for persons with disabilities. Further efforts would be made to increase the accessibility of such websites. While sign language interpreting was also available in cinemas, the cinema industry was resisting other attempts to improve accessibility for fear of losing customers.

40. The State Welfare Organization had launched a project to promote the accessibility of cultural and historical sites; the initiative was led by five NGOs, which organized national and international tours for persons with disabilities and exchanged experiences with organizations abroad. Moreover, the State party was negotiating cooperation agreements with countries such as Greece and Turkey to improve the accessibility of monuments.

41. Vulnerable groups, such as women and children with disabilities, could seek refuge from violence in shelters provided by the State Welfare Organization. There had been a rise in the number of complaints of violence against persons with disabilities and the number of crisis interventions carried out.

42. Efforts were under way to incorporate the Sustainable Development Goals, including the eradication of poverty among persons with disabilities, into national planning. Around 26,000 residential units were being constructed as part of a government plan to provide free housing for persons with disabilities, especially families including two or more persons with disabilities. In-home services included visits by trained doctors and counsellors and informal care provided by volunteers.

43. He wished to clarify that the 3 per cent quota for employment of persons with disabilities to which Mr. Kaber had referred applied to government organizations only; it had not been very successful, owing to the requirement that those employed must possess the necessary qualifications. Other measures to promote the employment of persons with disabilities included financing local markets organized by persons with disabilities. The State party had signed a memorandum of understanding with the Russian Federation on initiatives to exhibit handicrafts produced by persons with disabilities. In 2016, 25,000 sustainable job opportunities for persons with disabilities had been created by the State Welfare Organization and 10,000 by the Foundation of Martyr and Veterans' Affairs.

44. Lesbian, gay, bisexual, transgender and intersex persons with disabilities were not subjected to conversion therapy or any kind of forced treatment; all persons seeking rehabilitation services were treated equally, regardless of sexual orientation.

45. **Mr. Jafarizadeh** (Islamic Republic of Iran) said that there was legislation to ensure that organizations fulfilled their obligations in terms of employment of persons with disabilities. A number of cases relating to employment had been brought before the courts by persons with disabilities and had been resolved. The general article on non-discrimination in the Constitution prohibited all types of discrimination, including on grounds of disability.

46. The only restriction on participation in political life concerned blind persons, who were prohibited from standing for election to the parliament; a bill to amend the relevant legislation would be submitted later in 2017. Persons with disabilities actually accounted for 25 per cent of the parliament, that was a major accomplishment, which served as an example to other countries. Persons with disabilities, including blind persons, could

participate in elections to other bodies, including city and rural councils; there were four persons with disabilities on Tehran City Council, for instance. There were no restrictions on the right to vote of persons with disabilities; polling stations were accessible to all, including wheelchair users, and voters could be accompanied by an assistant. Access was further facilitated by the provision of mobile polling stations, which accounted for between 10 and 15 per cent of all polling stations.

47. **Ms. Nemati** (Islamic Republic of Iran) said that no distinction was made between Olympic and Paralympic medal winners in her country. Within the National Paralympic Committee, there was a specific committee to promote sport among target groups, including children with disabilities; around 1,024 children with disabilities had benefited from the committee's work thus far.

48. **Mr. Ghafourian** (Islamic Republic of Iran) said that the general policy was to promote the inclusion of students with disabilities in mainstream schools and to provide accessible educational materials and sign language interpreters in those schools, to ensure equal opportunities for all. Out of around 130,000 students with disabilities in the Islamic Republic of Iran, more than 73,000 were in special schools, of whom 45,000 were boys and 27,000 were girls. There were around 30,000 boys and 26,000 girls with disabilities in mainstream education. In cooperation with the Organization for the Development, Renovation and Equipping of Schools, a plan was being drawn up to improve the accessibility of educational establishments and would be implemented shortly.

49. **Mr. Naziri Asl** (Islamic Republic of Iran) said that, in spite of the challenges faced as a result of unjust sanctions, his country remained committed to the promotion and protection of the rights of persons with disabilities, at the national and international levels.

The meeting rose at 1.10 p.m.



**Convention on the Rights
of Persons with Disabilities**

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Seventeenth session

Summary record of the 304th meeting

Held at the Palais des Nations, Geneva, on Thursday, 23 March 2017, at 3 p.m.

Chair: Ms. Degener

Contents

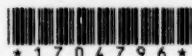
Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Cyprus

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35
(continued)

Initial report of Cyprus (CRPD/C/CYP/1; CRPD/C/CYP/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Cyprus took places at the Committee table.*
2. **Ms. Florentzou-Kakouri** (Cyprus), introducing her country's initial report (CRPD/C/CYP/1), said that Cyprus had signed the Convention in 2007 and ratified it in 2011. The country's report had been submitted to the Committee in 2013 and the replies to the list of issues (CRPD/C/CYP/Q/1/Add.1) in late 2016. Together, the two documents provided an overview of the efforts that Cyprus had made to implement the Convention.
3. The signing of the Convention had been partly responsible for the country's decision to establish the Department for Social Inclusion of Persons with Disabilities and its adoption of the first National Disability Action Plan (2013-2015). The Convention also served as a road map for future action, such as the implementation of the second Plan covering the years 2017-2020, which was currently in development.
4. The Constitution of Cyprus safeguarded the fundamental rights of all persons and enshrined the principle of equality for all. Cyprus had a comprehensive legal framework for the protection and promotion of the rights of persons with disabilities. The law under which the Convention had been ratified and incorporated into the domestic legal order took precedence over any other Cypriot laws.
5. Twenty-one per cent of Cypriots over the age of 15 had reported long-term activity limitations as the result of a disability. Information on persons with disabilities in Cyprus was collected in a number of databases, both governmental and non-governmental, and a national database on disability was currently being developed.
6. Women and girls with disabilities were entitled to the same support services and benefits as all persons with disabilities. The Convention on the Rights of the Child, to which Cyprus was a party, afforded additional protection to children with disabilities. In some sectors, considerable progress had been made on accessibility. Cypriot airports, for example, had received a European award for their efforts in that regard and a number of beaches, identified on the website of the Cyprus Tourism Organization, had been made fully accessible. In other sectors, improvement was still needed.
7. The Cypriot authorities were aware that it was necessary to bring existing legislation into line with article 12 of the Convention. The completion of work on drafting a bill introducing the concepts of supported decision-making and self-advocacy, which had involved consultations with organizations of persons with disabilities, was expected in 2017.
8. Community-based mental health services made it possible, to a large extent, to avoid the involuntary institutionalization of persons with disabilities. Cyprus had only one institution, where 74 persons were currently receiving treatment, to which patients with mental disabilities could be committed. Efforts to deinstitutionalize all such patients were under way.
9. Refugees had the same rights to social assistance and health care as Cypriot nationals. Social welfare benefits, including monthly allowances for home care, institutional care and attendance at day centres, enabled all persons with disabilities who would not otherwise have the means to do so to live where and with whom they liked. A number of day centres and homes, run by non-governmental organizations (NGOs) and subsidized by the State, served persons with severe disabilities. In addition, the Department for Social Inclusion of Persons with Disabilities offered a number of benefit schemes or services, not means-tested, to help offset the additional costs incurred by persons with disabilities and their families. The Ministry of Health had drafted a new bill on community mental health care and would shortly submit it to the Council of Ministers and the House of Representatives.

10. Most children with disabilities in Cyprus attended mainstream schools. Considerable efforts were made, such changes to teaching and learning arrangements and the use of assistive devices, to ensure that such children could profit from their classroom experiences. The small percentage of children with disabilities educated in the special classes offered in mainstream schools participated in extracurricular activities with their non-disabled peers. Separate special schools, which educated less than 1 per cent of the school-age population, were appropriately staffed and offered training programmes designed to facilitate the transition from school to work or to another vocational training institution.

11. In general, the residents of Cyprus enjoyed easy access to health care and all persons with disabilities were entitled to free emergency care at the country's public hospitals. Some persons with disabilities were also entitled to low-fee visits to general practitioners and specialists. Community mental health centres served both urban and rural residents of Cyprus, while the Mental Health Services for Children and Adolescents offered outpatient and community services in all the country's major cities.

12. A number of measures had been taken to help persons with disabilities gain access to the open labour market. Department of Labour employment counsellors, for instance, gave priority to persons with disabilities when conducting interviews for open positions and incentives to hire such persons were given to private sector employers. There was a quota system for employment in the public sector. Another government initiative focused on job creation, which was the most effective method of ensuring that persons with disabilities found employment.

13. Cypriots were protected from poverty by a guaranteed minimum income introduced in 2014. Persons with disabilities who met the eligibility requirements were entitled to up to €480 a month for their basic needs, in addition to rental and other allowances. Children with disabilities were entitled to those benefits regardless of family income. Invalidity pensions enabled recipients to offset a loss of income from work.

14. In the coming days, a major conference would be held in Nicosia to launch the new Council of Europe Disability Strategy 2017-2023. Such events were evidence of the country's commitment to making the rights of persons with disabilities a reality.

15. **Mr. Langvad** (Country Rapporteur) said that, although the State party had clearly recognized its obligations under the Convention, it seemed as though the Cypriot authorities expected the Convention to implement itself, if only they waited long enough. The National Disability Action Plan (2013-2015) had not been fully implemented not only, it appeared, because of a lack of resources but also because the Plan's drafters had not taken into consideration the possibility of unexpected obstacles. One reason for the unsatisfactory implementation of the Plan was, according to paragraph 14 of the replies to the list of issues, the severe understaffing of public services because of mass retirements, as if it could not have been foreseen that even civil servants got older.

16. It also seemed as if not all persons with disabilities in the State party were protected from discrimination on grounds of disability. A person who was diagnosed with multiple sclerosis, for example, would not be a member of any of the groups targeted for social services or support and would thus be likely to be discriminated against because of his or her disability. In addition, it was necessary to protect the close relatives of persons with disabilities, who were not the primary recipients of support services, from possible discrimination on grounds of disability. Discrimination could take a number of forms and it should be addressed in every instance, such as when taxis charged more for carrying a wheelchair and younger persons with disabilities were forced to live in institutions for older people.

17. It was especially important to ensure that no one could be deprived of his or her right to vote or stand for election. The problem might seem minor, but persons with disabilities valued being seen as ordinary human beings, with the same rights as others.

18. He would welcome information on the involvement of persons with disabilities and their representative organizations in preparations for the Nicosia conference mentioned by the head of the delegation and on the role that they were expected to play during the conference itself. It would also be interesting to know more about the involvement of such

organizations in the upcoming review of the State party's efforts to fulfil its sustainable development obligations at the high-level political forum on sustainable development. In addition, the State party should withdraw its outdated reservation to article 27 (1) of the Convention. In the present day, there was no reason not to assume that persons with disabilities could work anywhere.

Articles 1-10

19. **Mr. Chaker** said that he wished to know what efforts had been made to ensure uniform accessibility standards throughout the State Party. He would welcome information on the involvement of Cypriot organizations of persons with disabilities in the development of domestic and international accessibility standards.

20. **Mr. Basharu** said that he would welcome a comment from the delegation on the measures that the State party had taken to mainstream the principle of equality and non-discrimination and clear the bureaucratic and administrative hurdles standing in the way of the implementation of the Convention. In addition, he asked what specific steps had been taken to promote the rights of women and girls with disabilities and whether the State party had any mechanisms to address the multiple, intersectional forms of discrimination and gender-based violence to which women and girls with disabilities were susceptible. Statistical data on women and girls with disabilities subjected to violence and abuse would be particularly welcome.

21. He wondered what the State party did to ensure that children with disabilities were included in mainstream society and what opportunities they were given to express themselves on an equal basis with other children. It would be interesting to know how persons with disabilities and their representative organizations were consulted on or involved in awareness-raising campaigns in the State party. Information on the efforts that had been made to encourage the media to portray persons with disabilities in a positive light would also be welcome.

22. **Mr. Martin** asked whether persons with disabilities, including intellectual disabilities, had been part of the making of the National Disability Action Plan (2013-2015).

23. **Mr. You Liang** said that he would welcome an explanation of the extent to which the provision of reasonable accommodation was required outside places of employment. If it was not required in other spheres of activity, the delegation should describe the State party's plans to broaden the scope of the requirement. In addition, the delegation should indicate whether the denial of reasonable accommodation was considered an act of discrimination on the grounds of disability and what consideration it gave to the Sustainable Development Goals, targets 10.2 and 10.3 in particular, in its efforts to implement article 5 of the Convention.

24. He wondered what specific measures were being taken to eliminate intersectional discrimination against women and girls with disabilities and to ensure their participation in public and political life. Were there any links between the State party's efforts to implement article 6 and its efforts to achieve Sustainable Development Goal 5, on gender equality and the empowerment of women and girls?

25. **Mr. Babu** said that he would welcome an update on the range of horizontal social services available in Cyprus, in particular as they related to combating violence against girls and women with disabilities. He wished to know in what ways persons with disabilities and their representative organizations were involved in the planning and implementation of the awareness-raising campaigns mentioned in paragraph 30 of the replies to the list of issues.

26. **Mr. Ishikawa**, commending the State party for its use of a strengths, weaknesses, opportunities and threats (SWOT) analysis in its report (paras. 7-18), said that he would welcome an indication of the legal measures that had been taken or were planned to ensure that refugees in Cyprus had equal access to disability support schemes. It would also be interesting to know what awareness-raising campaigns had been launched since the ratification of the Convention, with a view to promoting a human rights-based

understanding of the Convention and of persons with disabilities among civil servants and the public at large.

27. **Mr. Lovász** asked whether there were effective sanctions in place for denial of reasonable accommodation and whether the delegation could provide information on any ongoing legal cases in that regard. A concise summary of legal precedents that had already been set in connection with discrimination on grounds of disability would also be welcome.

28. Regarding the State party's approach to defining disability, he asked what use was made of the International Classification of Functioning, Disability and Health of the World Health Organization and whether the Cypriot authorities considered it to be in line with article 1 of the Convention. In addition, he wondered what means of transport other than buses would be equipped with systems providing accessible information to persons with disabilities.

29. **Mr. Kim Hyung Shik** asked whether the State party had earmarked economic resources for the implementation of the National Disability Action Plan (2013-2015). The delegation should also indicate to what extent the Cypriot Government had fulfilled its obligation to ensure the participation of persons with disabilities by consulting them and their representative organizations on matters concerning the implementation of the Convention, such as the preparation of the State party's report. In addition, he wondered how the State party intended to ensure that reasonable accommodation was provided for persons with disabilities when it did not appear to have defined exactly what the concept meant.

30. **Mr. Alsaif** said that he wished to know whether the State party had plans to allocate additional economic resources for the implementation of the new National Disability Action Plan. In addition, he wished to know whether the State party intended to take any measures other than the launch of the new Plan to implement the Convention and, if so, what those measures were. He would welcome examples of specific laws or regulations that had been amended as a result of the State party's ratification of the Convention. Information on the steps that had been taken to ensure that persons with disabilities and their representative organizations participated in the law-making process would also be welcome.

31. **Mr. Tatić** asked whether any of the cases reviewed by the Office of the Commissioner for Administration and Human Rights (Ombudsman) from 2004 to 2012 had involved complaints of multiple or intersectional discrimination faced by women or girls with disabilities. Turning to the issue of accessibility, he wondered whether the 80 low-floor, accessible buses providing public transport in Nicosia accounted for a significant percentage of the entire fleet of public buses and, if not, what plans had been made to ensure that more buses were fully accessible. In that connection, he wondered whether any of the complaints submitted to the Ombudsman had specifically related to the lack of accessible public transport. It would also be interesting to know whether any airport users had submitted complaints of discrimination on grounds of disability to the civil aviation authorities and whether personal assistance was available to persons with disabilities visiting public facilities in the State party.

32. **Mr. Kabuc** said that, although Cyprus clearly had a long history of protecting the rights of persons with disabilities, it would be interesting to know what measures were being taken, in line with article 4 (4) of the Convention, to ensure that levels of protection were higher still. In addition, he wondered whether the steps taken by the State party to combat discrimination against persons with disabilities in Cyprus addressed all forms of discrimination on grounds of disability and whether "persons with special needs", a term used frequently in the State party's report and its replies to the list of issues, were the same as "persons with disabilities".

33. **Mr. Buntan** said that he wished to know what plans the Government had made to ensure that any decisions made after consultations with organizations that were not members of the Cyprus Confederation of Organizations of the Disabled were considered legitimate, in particular since it had appeared to consult them after failing to win support from the Confederation for a number of initiatives. He would welcome an indication of the

kind of support given to organizations of persons with disabilities to enable them to participate actively in policymaking.

34. He wondered whether the delegation could explain why the cases reviewed by the Ombudsman were more likely to involve complaints against government officials than against private sector establishments. It would be interesting to know whether that was, for example, because no private sector employers in Cyprus ever gave cause for complaint or simply because there were so few persons with disabilities working in the private sector. He asked whether the State party had a mechanism to monitor compliance with accessibility standards and what sanctions were imposed for non-compliance.

35. **Mr. Ruškus** asked whether the State party had any plans to redefine disability in such a way as to bring its definition into line with article 1 of the Convention, not least by acknowledging the role played by social and other barriers, whose interaction with a person's impairment could make it hard for him or her to participate in society on an equal basis with others. He also asked to what extent disability assessments took into account the needs of persons with disabilities for social participation.

36. Turning to article 7, he wondered what support was provided for children with disabilities and their families, including under the three-year action plans developed by the Commissioner for Children's Rights. In that connection, he would welcome information on the specific model used for early intervention processes. An indication of the measures that had been taken by the State party to include children with disabilities and their families in decision-making processes regarding the assessment and allocation of support would also be welcome.

37. **Mr. Rukhledev** asked what the status of sign language in Cyprus was, whether there were State programmes to train sign language interpreters and how many such interpreters there were in Cyprus, regardless of whether they provided interpretation services or were involved in the education of deaf children.

38. **The Chair** said that the Committee would welcome information on the measures taken to develop a human rights-based framework for the concept of disability, thus providing protection from discrimination on grounds of disability, and how those measures differed from legal or regulatory measures.

The meeting was suspended at 4.10 p.m. and resumed at 4.35 p.m.

39. **Ms. Flourentzou-Kakouri** (Cyprus) said that information and communication technology was used to inform persons with disabilities about the accessibility of such places as airports, beaches and archaeological sites. The Department of Antiquities, for instance, provided information on the accessibility of monuments, museums and other attractions.

40. Efforts to increase the number of low-floor, accessible buses, which accounted for around a third of the Cypriot bus fleet, were ongoing. The authorities were unaware of any official complaints regarding the lack of accessibility of public transport, one possible reason being that Cypriots generally used their own cars. The Government offered subsidies of up to €4,000 to help persons with disabilities buy and modify private vehicles. In addition, such persons could call a special line to book a journey by public transport on a fully accessible vehicle. Cyprus was working with other member States of the European Union on a proposal for a directive that would improve the functioning of the internal market for accessible products and services.

41. Mechanisms to monitor compliance with accessibility standards had been put in place. The Civil Aviation Department, for instance, monitored compliance at the airport, while monitoring the accessibility of buses was the responsibility of the Road Transport Department. She was unaware of any penalties that had been imposed for non-compliance.

42. Monthly allowances helped persons with disabilities employ personal assistants. In addition, the employment by organizations of persons with disabilities of social assistants, who provided personal services to the organizations' members was subsidized by the Government.

43. **Mr. Constantinou** (Cyprus) said that the Government was very sensitive to the issue of refugees with disabilities and recently had taken a high-level decision emphasizing that they should be treated on an equal footing with Cypriot citizens and should have access to allowances. Concerning the use of the term "special needs", he said that the term was widely accepted in many European and international forums and that the Government used it in communications with those forums to refer to students with general or specific learning disabilities or difficulties. The Government was aware of the Sustainable Development Goals and was taking them into consideration.

44. The Persons with Disabilities Act prohibited discrimination and established severe penalties for discriminatory acts, while, under an anti-discrimination law, the Office of the Commissioner for Administration and Human Rights (Ombudsman) had been established as the authority responsible for discrimination matters. Persons with disabilities wishing to lodge complaints or take legal action could do so through the courts or through the Office of the Commissioner, or by referring their case to the Commissioner for Human Rights of the Council of Europe or, indeed, to the Committee.

45. In 2014, the Ministry of Education and Culture had introduced a code of conduct against racism for students and teachers, which also applied to discrimination against people with disabilities. The Cypriot media were forbidden to broadcast any content that promoted any form of discrimination and in some cases had been sanctioned and fined for breaching anti-discrimination regulations. Another factor that would bring about social equality was the gradual introduction of the national health system — due to be fully implemented by June 2020 — which aimed to provide universal coverage without discriminating on the grounds of nationality, religion, disability or any other characteristic.

46. Concerning women and children with disabilities, the Government had adopted three national laws establishing equal pay, equal treatment in the workplace and protection of maternity rights. Cyprus also adhered to the European Union strategy for equality between women and men, which sought to ensure equality in the labour market and equal pay, to combat gender violence and to promote gender equality, and was a party to the Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) and the Convention on the Rights of the Child.

47. Considering that women and children with disabilities were more likely to suffer abuse, a national child protection strategy had been put in place, and teachers and public officials were trained to recognize and report abuse. As part of that strategy, the Ministry of Education and Culture participated in the "Keep Me Safe" project designed to protect children with learning disabilities. Besides preventive actions designed to combat domestic violence, gender abuse and child abuse, social welfare services provided advice and assistance for persons needing to report abuse. The Mental Health Acts 1997-2007 protected women with disabilities from forced sexual and reproductive health procedures and Cyprus also had an independent Commissioner for Children's Rights with the executive authority to fine or otherwise penalize parties who violated the rights of children.

48. In the sphere of children's health care, early detection and intervention were a priority and efforts were under way to complement existing assessment and rehabilitation services at hospitals throughout the country, including the establishment of an early detection centre for neural development disorders such as autism. Early assessments for learning disabilities were available immediately upon the family's request, at both public or private health-care facilities, and were also carried out by the Ministry of Education and Culture. Parents were kept informed and invited to be present during assessment procedures and children were asked for their consent to assessments and subsequent therapies. The Department for Social Inclusion of Persons with Disabilities allocated funding to NGOs that provided professional rehabilitation services for children from birth until late adolescence and the Committee for the Protection of Persons with Intellectual Disabilities provided early childhood intervention services for about 1,000 families. Services were also provided for children at the School for the Blind and the School for the Deaf. Three separate allowances, totalling €848 per month, were available for children with disabilities to have access to the rehabilitation of their choice in the private sector.

49. In relation to awareness-raising, the delegation wished to highlight the fact that the Convention had been translated and was being taught to children in all schools, with the participation of Organizations of persons with disabilities, and the President of the Cyprus Paraplegic Organization had visited schools and taken part in classes on how the Convention could be implemented in Cyprus. Moreover, the Cyprus Academy of Public Administration had organized workshops with the Ombudsman, the Department for Social Inclusion of Persons with Disabilities and organizations of persons with disabilities to promote awareness of disability rights among civil servants and to discuss how to improve services. The aim was to eliminate or minimize discrimination, to foster employment and education for persons with disabilities and to teach children about disabilities and the Convention.

50. **Ms. Constantinidou** (Cyprus) said that the Government respected the right of deaf persons to have their own means of communication and in 2006 had enacted the Recognition of Cyprus Sign Language Act. Since then, a scientific committee of experts had recorded the evolution of the official language and developed a core vocabulary and a grammar book. Sign language interpreters were provided for hard-of-hearing children and adults in order to improve the various aspects of their lives and the Department for Social Inclusion of Persons with Disabilities subsidized the Cyprus Federation of the Deaf to provide services for those requiring them. Most children who were hard of hearing were taught orally, although there were cases in which the Ministry of Education and Culture offered sign language interpreters or the teachers had knowledge of sign language. Adult education centres offered classes in sign language.

51. **Ms. Florentzon-Kakouri** (Cyprus), responding to the question on reasonable accommodation, said that annex 2 of the replies to the list of issues listed all Cypriot laws relating to disability, some of which had been amended and updated. The general law protecting the rights of persons with disabilities in Cyprus was the Persons with Disabilities Act, which even prior to ratification of the Convention had applied the concept of reasonable accommodation in keeping with the directives of the European Union. The Act, which established the obligation to take reasonable accommodation measures in all sectors providing goods and services to persons with disabilities, so long as such measures did not entail a disproportionate burden, had been amended in 2014 to exclude the factors constituting a disproportionate burden and thus widen the concept of reasonable accommodation. Those who failed to take reasonable accommodation measures faced fines of up to €7,000 and could be sentenced to up to 6 months' imprisonment.

52. Since the ratification of the Convention, all new legislative acts, schemes and programmes concerning disability issues were obliged to take into account the definition of disability under the Convention, which the Government regarded as superior to any definition given in national law. However, given that persons with disabilities had a variety of needs and were entitled to different benefits and services, that definition was typically adjusted to the scope of the specific legislation in question. For example, the 2014 Guaranteed Minimum Income Act stipulated that a minimum income was payable — in addition to disability allowance — to persons with disabilities as defined under the Convention, provided that they had been certified as having a severe disability after an independent assessment. Similarly, entitlement to public-sector employment under the quota system was limited to persons facing severe difficulties in finding work in the open labour market.

53. Assessing and certifying disability presented a complicated challenge. In that regard, the Government believed that the International Classification of Functioning, Disability and Health was a helpful, scientific and effective tool that was in line with the approach of the Convention. Accordingly, the Department for Social Inclusion of Persons with Disability had introduced a new assessment system that encompassed all types of disability and incorporated a human rights approach. All persons applying for benefits or services underwent an independent assessment.

54. The Government acknowledged that it had implemented only 40 per cent of activities under the National Disability Action Plan but hoped to improve on that performance in the next Plan. One limiting factor had been the understaffing of public services, caused by the retirement of civil servants and a recruitment freeze imposed as a

result of the island's severe financial crisis. As a result, several departments dealing with disability issues had seen a reduction in their capacity to implement the Plan. However, some important results had been achieved. Eight persons with disabilities had been discharged from a psychiatric residential institution and placed in their own homes in the community, with support services. Following an accessibility survey of all government buildings, improvements had been carried out. Moreover, the Ministry of Education and Culture and the Ministry of Labour, Welfare and Social Insurance had developed a new mechanism to assess the employment capabilities, preferences and interests of children with disabilities in their final year of school, in order to enhance their access to vocational training, supported employment programmes, subsidized entrepreneurship schemes and the open labour market. Fortunately, Cyprus had officially emerged from its financial crisis and discussions on the second National Disability Action Plan were under way, in the hope that the improved climate would afford greater funding opportunities.

55. Organizations of persons with disabilities continued to be involved in the decision-making process and in the development of policies and measures through regular meetings with government departments and ministers and consultations in working groups and workshops. The Government was under a legal obligation to consult the Cyprus Confederation of Organizations of the Disabled before taking any decision affecting persons with disabilities, but it also consulted widely with other representative organizations, regardless of their membership of the Confederation. The Confederation and the other organizations had been involved in drafting the initial report and the National Disability Action Plan, but in June 2015 they had withdrawn from the process, claiming that the meetings were unsatisfactory and ineffective. In fact, the organizations' involvement in working groups on the development of legal measures had been very effective and led to the adoption of new laws. The Government did not believe that withdrawal was a solution and had invited the organizations to provide suggestions for the development of the second Plan.

Articles 11-20

56. **Mr. Louáry**, regretting that the replies to the list of issues did not provide data on the involuntary treatment of persons with disabilities, said that the delegation should describe the specific legal and procedural safeguards against such treatment that were available, including for persons with disabilities living in institutions.

57. **Mr. Basharu** said that he would like to know whether any measures or mechanisms were in place to accommodate persons with disabilities in situations of risk or humanitarian emergencies, with information provided in accessible formats for blind and deaf persons, including Braille, sign language or hotlines. He would also appreciate information on measures to ensure effective access to justice for persons with disabilities, including improvements in the physical environment of courts, prisons and police stations and the provision of information in accessible formats. The delegation should also describe any measures being put in place to provide mobility aids and assistive devices and to facilitate the duty-free procurement of such items if imported from abroad. What training in the use of mobility aids and assistive devices was given to persons with disabilities and their teachers?

58. **Mr. Alsaif** said that the Committee would be grateful for information on whether women and children with disabilities were subjected to intrusive therapy or other medical treatment without their free and informed consent and on whether such practices were initiated through supported decision-making.

59. **Mr. Martin** said that the delegation should clarify whether there was an organization of persons with disabilities in Cyprus that was run by persons with intellectual disabilities, or whether those persons were part of another organization. More details of the draft law introducing self-advocacy and supported decision-making were needed, such as why further consultation was deemed necessary, whether or not persons with intellectual disabilities would be included in that consultation and whether consultation-related information would be available in accessible formats. The delegation should also describe the assistance provided to persons with intellectual disabilities in the justice system with regard to support and communication. Lastly, he wondered how the State party planned to

ensure that persons still living in institutions could move into the community and exercise their Convention rights.

60. **Mr. Tatić** said that he would welcome an explanation of how the Persons with Disabilities Act had been implemented in practice, including figures on the number of individuals and entities that had been fined or given prison sentences for discriminating against persons with disabilities. Given that the law providing for supported decision-making and for the repeal of guardianship and substitute decision-making was still under consultation and had not yet been adopted, he wished to know what practical possibilities were available for persons with disabilities, especially persons with intellectual and psychosocial disabilities, to receive supported decision-making in exercise of their legal capacity.

61. Considering the State party's acknowledgement that the Mental Health Acts still allowed for the involuntary internment of people with disabilities, he asked whether the Government planned to amend the Acts and harmonize them with the Committee's interpretation of article 14. Lastly, in respect of the financial crisis that had struck Cyprus and the strain that it had placed on household budgets, he wondered whether the State party had a mechanism to ensure that the social benefits and allowances intended for the independent living of persons with disabilities were actually used to that end and not for any other purpose.

62. **Mr. Buntan** said that he wished to learn whether the State party had developed a comprehensive plan on disaster risk reduction in accordance with the Sendai Framework for Disaster Risk Reduction that considered disability inclusion in all aspects of its planning, implementation and monitoring, including prevention, preparedness, response and recovery. While Cyprus was to be congratulated on its progress in the training of police officers and judges, he wished to know whether there was there any record of persons with disabilities practising law or serving in the judiciary and thus ensuring better access to justice for persons with disabilities. Lastly, he asked whether the small homes that were being built in the community for persons with disabilities in fact amounted to smaller institutions, rather than allowing persons with disabilities to live independently and to choose their residence.

63. **Mr. Babu** said that the delegation should clarify the statement in the replies to the list of issues that police officers at all hierarchical levels had received empirically and scientifically supported training. Did such training include alternative communication skills, such as Braille or sign language? He also wished to know what training was provided for police and law enforcement agencies in dealing with persons with disabilities during arrest, custody and investigations.

64. **Mr. Kim Hyoung Suk** said that the information provided in relation to article 19 described traditional welfare benefits while recognising the right of persons with disabilities to exercise their choice for independent living. However, more details were needed about residents in institutions, in particular how many of them had been able to take up independent living in the community. Financial assistance alone would not ensure independent living unless it was backed up by community support, decent accommodation, employment opportunities and the provision of personal assistance.

65. **Mr. Parva Dissanayake** asked whether the draft law on legal capacity envisaged any changes to the model of supported decision-making and whether the training of judges had been supplemented by the development of guidelines on access to justice, including protocols for dealing with specific disabilities, as was the case in other countries.

66. **Mr. Kahne** said that he, too, would like to know what measures, other than financial support, were being taken to enable people to live independently in society and not be seen as a burden within their community. He wondered whether the delegation considered the allowance of €117 for the employment of personal assistants to be adequate.

67. **Mr. Yon Liang** said that, since advanced technologies had already begun to change the lives of persons with disabilities and would utterly transform the traditional concept of rehabilitation, the Committee wished to know whether the State party had devised a programme to incentivise innovation in assistive technologies. He also wondered whether

that persons could qualify for a driving licence and, if so, what kind of training was provided.

68. **Mr. Chaker** said that he would like to know whether the Mental Health Acts exempted or allowed sterilisation and whether the State party was able to allocate sufficient financial resources to help persons in need of 24-hour assistance.

69. **Mr. Langford** asked what measures were being taken to ensure that no person with disabilities would be subjected to medical trials involving non-approved medicines or treatments without their full and informed consent. He also wished to know how the State party ensured the recording and availability of data concerning the number of cases of coercive and involuntary treatment of persons with disabilities.

The meeting rose at 5 p.m.



**Convention on the Rights
of Persons with Disabilities**

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Seventeenth session

Summary record of the 305th meeting

Held at the Palais des Nations, Geneva, on Friday, 24 March 2017, at 10 a.m.

Chair: Ms. Degener

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Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Cyprus (continued)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35
(continued)

Initial report of Cyprus (continued) (CRPD/C/CYP/1, CRPD/C/CYP/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Cyprus took places at the Committee table.*

Articles 1-20

2. **Ms. Florentzou-Kakouri** (Cyprus), replying to questions raised by Committee members at the previous meeting, said that paragraph 42 of the replies to the list of issues (CRPD/C/CYP/Q/1/Add.1) summarized the plans in place to safeguard persons with disabilities during natural disasters and humanitarian emergencies. Consultations with organizations of persons with disabilities on a new law on legal capacity and supported decision-making were ongoing. Regrettably, there were currently no organizations for persons with intellectual disabilities in Cyprus; instead, such persons were represented by parents' associations working with organizations of persons with disabilities. Information regarding supported decision-making was not yet available in easy-to-read, accessible formats, but the Government recognized that that was an oversight that required correction.

3. The vast majority of persons with disabilities lived independently or with family members. In addition to the 74 persons currently living in the country's psychiatric hospital, around 550 persons with psychosocial disabilities were housed in small community-based group homes run either by the State or by non-governmental organizations (NGOs). No data were available regarding the numbers of persons with disabilities living in homes for older persons, but overall, and taking all possible arrangements into account, less than 1 per cent of the population was living in institution-style accommodation. The Government had recognized that there was a shortage of community-based care centres for persons with disabilities requiring round-the-clock care and taken legislative measures to rectify the situation. In addition, a new pilot project, supported by the European Social Fund, had been launched to provide funding for organizations of persons with disabilities to pay for specialized nurses and carers, with the aim of ensuring that persons with disabilities requiring 24-hour care could receive those services through their representative organizations.

4. The Government's vision for community-based group homes was that they should have a family atmosphere and provide a diverse range of support services as well as recreational and creative activities, and opportunities for supported employment and participation in community life. If a group home did not meet those objectives, then it could conceivably be described as a small institution. Such group homes were a necessity, however, not only because some persons with disabilities required 24-hour care but also because some persons either had no family or their family members were unable to look after them.

5. Social benefits, some of which were means-tested, were available for persons with disabilities to pay for any professional care services they needed. Monitoring mechanisms were currently in place for means-tested benefits only, so as to ensure that the money provided was being used for its intended purpose. While the Government recognized the need for monitoring, it was in favour of shifting the focus to the provision of more services and away from cash allowances. Organizations of persons with disabilities were broadly in agreement with that approach.

6. Various measures were in place to enable persons with disabilities to purchase assistive devices and technologies. By way of example, the Government provided subsidies for up to 80 per cent of the cost of buying certain equipment, such as wheelchairs, communication software and assistive devices. Some equipment also attracted a lower rate of value-added tax, including assistive devices imported from abroad. In a similar vein, both special education and mainstream schools were required to supply, at no cost to their families, any assistive technologies and devices needed by pupils with disabilities. Training in the use of those devices was also provided. As well as providing assistive technology

training, the School for the Blind also had a range of devices available for blind persons to use on a trial basis so as to help them select the most appropriate one for their needs.

7. Regarding article 20 of the Convention, besides providing mobility allowances and funding for social assistants to accompany persons with disabilities to social and cultural events, Cyprus was also one of eight European Union member States to sign up to the European Union disability card pilot project. The card, which was expected to be issued in the spring of 2017, was intended to enable persons with disabilities to travel to other European Union countries and enjoy equal access to sites of cultural interest. In consultation with organizations of persons with disabilities, cardholders visiting Cyprus would be entitled to a 50-per cent reduction on public transport, free access to archaeological sites, discounted theatre tickets and beach equipment and other benefits. Lastly, deaf and hard-of-hearing persons were entitled to have driving licences.

8. **Mr. Constantinou** (Cyprus) said that persons with disabilities were indeed working as lawyers in Cyprus. Many students with disabilities were also studying a range of subjects, including law and medicine, at the University of Cyprus.

9. Referring to paragraph 52 of the replies to the list of issues, he said that the term "empirically and scientifically supported training" simply meant that the training methods used were backed by the latest research or scientific studies. For example, training for police officers on arresting persons with intellectual or psychosocial disabilities included information not only on the relevant rights and procedures but also on how to recognize those disabilities, dispelling many of the associated myths and misconceptions. The 2005 Rights of Persons Arrested and Detained Act, as described in paragraph 109 of the replies to the list of issues, set out the procedure to be followed by law enforcement officers when arresting any individual and contained several provisions related to persons with disabilities. Proper procedures were thus in place to ensure that all persons, including persons with disabilities and non-Cypriots, retained their rights during the entire legal process and could complain if any of their rights were violated.

10. The Constitution guaranteed all persons the right to see justice in the courts, including for cases of discrimination. Complaints could also be filed with the Office of the Commissioner for Administration and Human Rights (Ombudsman). As for physical access to the legal infrastructure, many courts and police stations were historical buildings that could not be updated, although arrangements could be made to ensure access for persons with disabilities. Newer court buildings and police stations had, however, been constructed in line with accessibility standards.

11. The question of whether or not persons with disabilities who posed a threat to themselves or others should be committed involuntarily to a psychiatric hospital had been the subject of much debate in the scientific community. Mental-health professionals and doctors took an oath to protect human life and thus it was possible that the initial step to save a suicidal person might entail hospitalization without their consent. Strict procedures were, however, in place to regulate the use of involuntary hospitalization. While it was ultimately for the courts to decide whether or not a person should be committed against his or her will, the independent Cyprus Mental Health Commission, which was responsible for safeguarding the rights of the person being committed, had to be notified of the decision. The family of the individual concerned could also file a complaint if that procedure had not been followed.

12. **Ms. Kioupi** (Cyprus) added that action would shortly be taken to identify which provisions of the mental health legislation could be amended or abolished. Regarding article 15 of the Convention, a variety of workshops had been held for mental-health professionals in order to raise awareness of patient abuse and torture. Moreover, patients had the right to register complaints, formally or informally, regarding staff conduct. Two cases of alleged ill-treatment at the country's psychiatric hospital had been investigated, following a visit from the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in January 2016. In one case, no evidence of staff misconduct had been found; in the other, legal proceedings had been launched.

13. **Mr. Constantinou** (Cyprus) said that treatment in psychiatric hospitals was always carried out by more than one health-care professional, so that any signs of potential abuse

could be spotted. All medical and education professionals had received training on how to detect signs of abuse and were legally required to report any abuse of vulnerable persons. Several professionals had been punished for failing to do so. In the case of abuse or torture committed by police officers, an independent committee was in place to investigate such allegations and had the authority to refer cases to the courts. Numerous cases had been investigated and summary dismissal was one of the penalties that could be imposed. Regarding article 16 of the Convention, a 24-hour national helpline had been set up so that people could report domestic violence. In that connection, the Government was committed to ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence, which it signed in 2015.

14. Measures to ensure that persons with disabilities were not subjected to medical trials or experimental treatments without their consent included the establishment of a bioethics committee, which could refer breaches to the Attorney General. Otherwise, the only medical interventions permitted without consent were those previously described, whereby a person could be involuntarily hospitalized in specific situations.

Articles 21-33

15. **The Chair** said that she wished to draw the delegation's attention to the Committee's general comment No. 1, on equal recognition before the law, which advocated the new human rights-based model of disability, as opposed to the traditional approach, which tended to assume that persons with intellectual or psychosocial disabilities needed to be "saved", even if that meant forced medical treatment and institutionalization. It was necessary for governments to understand why such practices were harmful and move away from that outmoded approach.

16. **Mr. Ruskus** said that he wished to know what specific measures the State party had taken to move away from the current, seemingly deep-rooted culture of special education for children with disabilities towards a more inclusive, human rights-based approach. Information on the numbers of men and women with different types of disabilities who were studying at Cypriot universities would also be appreciated.

17. Turning to the issue of health, he asked how the State party ensured that the highest quality health-care services were available and accessible to persons with chronic diseases, such as epilepsy, Alzheimer's, multiple sclerosis and other so-called invisible disabilities.

18. **Mr. Rukhlev** said that he wished to know whether the State party had standards in place to ensure that voting booths and election materials were accessible and, if so, whether those standards were being fully implemented; whether organizations of persons with disabilities participated in designing programmes aimed at persons with disabilities; and whether any persons with disabilities were serving as members of parliament.

19. Regarding sport and culture, he asked what specific support was provided by the State party to promote the development of sports involving athletes with disabilities, ensure that sports facilities were accessible and foster the participation of children with disabilities in sporting activities. He would also welcome information on what the Government was doing to ensure that cultural sites, such as museums, were fully accessible and to enable persons with disabilities to realize their creative potential.

20. **Mr. Alsaif** said that he would welcome information on whether any monitoring mechanisms to follow up on implementation of the Convention had been established at government level. He also wished to know whether organizations of persons with disabilities had been involved in the drafting of the State party's initial report and, if so, to what extent.

21. **Mr. Basharu** said that he would like to know what measures were in place to ensure that sign language interpretation was used to disseminate media information to deaf persons and whether sign language was recognized as an official language in Cyprus. He also wondered whether Braille was actively taught to blind persons and used to good effect in the State party.

22. He would be grateful for data disaggregated by age, sex and type of disability on the proportion of children with disabilities in mainstream and special education schools.

Information should also be provided on what efforts were being made to increase the number of children with disabilities who were attending inclusive education schools.

23. He asked what specific measures had been taken since the submission of the State party's report to address the fact that access to polling centres and election materials was somewhat limited for persons with disabilities and to amend the electoral law so that persons with psychosocial disabilities could fully participate in the electoral process.

24. **Mr. You Liang** said that he wished to know whether or not it was possible for persons with disabilities to receive personal assistance to support them in carrying out their parental duties, whatever kind of disability they had.

25. Turning to article 29 of the Convention, he asked what legal measures had been taken to eliminate the practice of declaring persons with intellectual or psychosocial disabilities as being of "unsound mind" or "incompetent", an exercise that rendered them unable to vote or stand for election; how many such persons had been declared as such and thus excluded from political life; and what measures had been taken to safeguard the rights, including voting rights, of such persons living in institutions.

26. **Mr. Martin** asked what steps had been taken or were envisaged to produce public information in easy-to-read formats for persons with intellectual disabilities; what types of information were or would be available in those formats; and what measures were in place to ensure that information reached the people who needed it.

27. **Mr. Kim Hyung Shik**, noting that the State party was involved in the Multi-Donor Trust Fund of the United Nations Partnership to Promote the Rights of Persons with Disabilities, said that he wished to know how, and to what extent, persons with disabilities and their representative organizations were involved in designing, implementing and monitoring activities associated with the Fund. Similarly, he wondered how the State party intended to involve persons with disabilities and their representative organizations in the implementation of the Sustainable Development Goals, in particular those that were relevant to persons with disabilities.

28. **Mr. Kabue** said that he would welcome information on the measures taken to develop and promote augmentative and alternative communication to enable persons with intellectual or psychosocial disabilities to express themselves freely. He was concerned to hear that the State party was considering withdrawing financial support from persons with disabilities and providing service-based assistance only. Without financial support, persons with disabilities would no longer have the ability to exercise control over their own lives. In that connection, he wondered what income unemployed persons with disabilities currently received and whether it enabled them to enjoy an adequate standard of living. Information should also be provided on whether, and, if so, how, the State party had improved its monitoring mechanism by, for example, ensuring the participation of persons with disabilities or increasing its funding.

29. **Mr. Ishikawa** said that he wished to know what measures were in place to allow students with disabilities to choose an inclusive school within their local community and to receive any necessary reasonable accommodations, such as textbooks in accessible formats, assistive devices and technologies, and to be taught by appropriately trained teachers. He would be grateful for information on the steps taken to ensure that persons with disabilities had full, barrier-free access to cultural and leisure activities and venues, such as museums, restaurants and swimming pools.

30. **Mr. Chaker** said that he would like to know what action had been taken to help persons with disabilities find employment; how many persons with disabilities were employed by the Government or worked in the private sector; and what the poverty rate was among persons with disabilities, in particular children with disabilities, in the State party.

31. **Mr. Tatić** said that attempted suicide could not be invoked as a pretext for non-compliance with article 14 of the Convention.

32. He wondered whether tourists from countries that were not members of the European Union could benefit under the State party's new project to provide access to cultural and archaeological sites.

33. He asked how many deaf students attended universities in the State party and how many sign language interpreters were available to assist them. He also wished to know whether measures had been taken to make universities in old buildings accessible to wheelchair users.

34. He asked whether the accuracy of information and advertisements displayed on websites for tourists, for instance concerning the accessibility of hotels, was monitored and, if so, whether organizations of persons with disabilities were involved in the monitoring process.

35. **Mr. Pyanandee** asked whether the State party had undertaken research on the socioeconomic and cultural benefits of inclusive education. Additional information on action to foster such education, for instance through adjustments to curricula and teacher training, would also be useful. He wondered whether there was a mechanism for monitoring accessibility standards with regard to reasonable accommodation and what budgetary allocations had been made for the project.

36. **Mr. Buntan** said that he wished to know whether there were any judges or prosecutors with disabilities in the State party and, if so, whether measures had been taken to provide reasonable accommodation so that they could function properly and ensure access to justice.

37. He wished to know how many or what proportion of official websites complied with international accessibility standards and guidelines.

38. He welcomed the measures to promote accessible curricula and assistive devices for persons with disabilities attending both mainstream and special schools. He would be interested to hear about plans to reform special schools and special classrooms in mainstream schools so that they supported an inclusive education system.

39. He wished to know whether the State party planned to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (the Marrakesh Treaty).

40. He would be interested to learn the extent to which persons with disabilities and their organizations were involved in promoting the inclusion of all aspects of disability in action to implement and monitor the Sustainable Development Goals.

41. **Mr. Lovász** asked how the Guaranteed Minimum Income scheme affected the employment of persons with disabilities in the open labour market.

42. He wondered what the State party's reaction was to the recent conclusion by the Court of Justice of the European Union that the Union was competent to ratify the Marrakesh Treaty.

43. **Mr. Langvad** said that he would be grateful for information on measures to promote reasonable accommodation in the context of inclusive education outside the classroom, for instance during leisure time.

44. He wondered whether persons with disabilities had access to information regarding sexual and reproductive health and whether there were initiatives to combat discrimination and stereotyping of women and girls with disabilities in the health sector.

45. He would welcome information regarding the number of persons with disabilities who were deemed to be capable of working on a full or part-time basis, the number of persons in that category who were actually employed, and the number of persons deemed to be incapable of working on either a full or a part-time basis. He would also be interested to learn the impact of cuts in public expenditure due to the financial crisis on persons with disabilities employed in the public sector.

46. He would be grateful for information regarding policies, legislation and programmes aimed at guaranteeing equal access for refugees and asylum seekers to financial and social

support, and measures to promote dialogue between refugees and asylum seekers and Cypriot organizations of persons with disabilities.

47. He would be grateful for specific examples of how the International Classification of Functioning, Disability and Health of the World Health Organization was to be incorporated in the national database on disability.

48. He wondered whether the State party planned to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to endorse the Charter on Inclusion of Persons with Disabilities in Humanitarian Action and, if so, when.

49. There seemed to be a low level of involvement of organizations of persons with disabilities in international cooperation, including in the conference to launch the Council of Europe Disability Strategy 2017-2023 to be held shortly in Cyprus.

50. He wished to know about procedures adopted by the State party to make its initial report on the Convention available to persons with disabilities in accessible formats such as Braille, sign language, easy-to-read text or electronically.

51. He asked whether different groups of persons with disabilities with comparable needs were entitled to different levels of social support, such as persons with spinal cord injuries and persons with cerebral palsy.

52. **The Chair** asked whether the State party intended to allocate additional budgetary funds for the country's independent monitoring mechanism with a view to ensuring full compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

The meeting was suspended at 11.40 a.m. and resumed at 12.05 p.m.

53. **Ms. Constantinidou** (Cyprus) said that the Ministry of Education and Culture supported inclusive and free education for all children, including immigrants and refugees, and endorsed action to accommodate their needs, regardless of disability, gender and ethnic origin. In line with that policy, the majority of children with disabilities were enrolled in mainstream classes.

54. The educational needs of all children had been taken into consideration under the restructured curriculum. A committee had advised experts on the restructuring measures required to meet the needs of children with disabilities, such as new instructional methods, differentiation of tasks, cooperative learning, development of materials and teacher flexibility. Training courses were organized for mainstream and special education teachers with a view to familiarizing them with the new goals and enhancing their knowledge and skills. Compulsory in-service training courses and school-based seminars were held each year for primary and secondary schoolteachers. Both mainstream and special education teachers were trained to use new technology. Since September 2015, all teachers had been provided with opportunities for continuous in-service professional training, including training for cooperation with national and foreign universities.

55. The education of children with disabilities was regulated by separate legislation. Teachers were trained to cater for deaf and blind persons and therapists were employed in special schools to accommodate the pupils' needs. The curriculum was rendered accessible by means of assistive technology, such as specialized software, touchscreens, communication devices and interactive whiteboards. Braille and sign language were also used.

56. During the 2016/17 academic year, 275 boys and 129 girls — just 0.37 per cent of the total school population — were enrolled in the nine special schools. One school was for blind children, one for deaf children and seven for children with severe or multiple disabilities. When children attended such schools, careful attention was paid to their opinions and those of their parents. The parents were free to express their wishes regarding placement. They could participate in the assessment process and bring along experts to offer advice. The children were invariably asked for their opinions, primarily by educational psychologists. They were usually assessed by multidisciplinary teams established by district committees. If parents disagreed with a district committee's decision

on placement or any other matter, they could appeal to the committee and, if necessary, to a central committee. Only a few appeals had been filed in 2016 against district committees' decisions and the parents' opinions had been taken into account in most cases.

57. The law required special schools to be built within the bounds of mainstream schools to enhance integration. If that was not possible, they were encouraged to develop contact networks with mainstream schools in order to minimize segregation. Children attending special classes followed the regular curriculum in some subjects, but withdrew to their own classes for specialized instruction. They participated in all extracurricular activities. Accessibility was guaranteed in all new buildings, and older buildings were rendered accessible through extensions and refurbishment.

58. Special equipment, such as wheelchairs, working aids and assistive technology, was provided in schools. Parents could also take such equipment home or apply for equipment from the Department for Social Inclusion of Persons with Disabilities.

59. The economic crisis of recent years had not affected budgetary allocations for special education. In 2016, allocations amounting to over €11 million had been provided for equipment, care assistance, transport and other requirements. An additional €586,000 had been allocated for such services in 2017.

60. Following the adoption of the Recognition of Cyprus Sign Language Act in 2006, a scientific committee had developed core vocabulary and grammar for use in schools and elsewhere. Sign language interpreters provided services for both schoolchildren and adults, and the Department for Social Inclusion of Persons with Disabilities subsidized the use of such services by the Cyprus Federation for the Deaf.

61. All public and private universities were required to accommodate the needs of students with disabilities. Student welfare officers provided instructions to lecturers and academics regarding accommodation during examinations and diverse projects. All new universities complied with Regulation 61 H of the Streets and Buildings Act.

62. Thirteen students with hearing disabilities were enrolled in the University of Cyprus and three in the Cyprus University of Technology. Sign language interpreters were provided on request.

63. The Ministry of Education and Culture regarded the Convention as a significant milestone for the advancement of education. The Minister had established a committee to develop recommendations for reform. The committee had put forward several recommendations and was currently drafting a policy paper on reform. The views of organizations of persons with disabilities, parents and other stakeholders would be taken into account in order to support progress towards inclusive education.

64. **Ms. Flourentzou-Kakouri** (Cyprus) said that the Radio and Television Organizations Act required all media to broadcast a special news bulletin that was comprehensible for deaf persons. The Radio and Television Authority encouraged media service providers to gradually increase to at least 5 per cent the proportion of programmes that were accessible to people with visual or hearing impairments.

65. According to the Department of Information Technology Services, 55 per cent of public service websites were currently accessible to persons with disabilities and measures were being taken to ensure full accessibility. The Department was planning to organize a training programme for civil servants under the second National Disability Action Plan in how to render website material accessible.

66. As for the Marrakesh Treaty, it had been proposed that a European Union directive concerning the incorporation of the Treaty into national legislation should be issued to all member States. Cyprus had expressed support for the directive.

67. The Public Employment Services of the Ministry of Labour, Welfare and Social Insurance offered persons with disabilities, on request, the services of a specially trained counsellor on applications for vacant posts, interview skills and other matters. According to the Department, 780 persons with diverse disabilities were currently registered as unemployed, a figure that was equivalent to 1.9 per cent of all registered unemployed persons. Projects run by the Ministry to promote the recruitment of persons with disabilities

were funded by the European Social Fund. The Department for Social Inclusion of Persons with Disabilities ran additional schemes. For instance, the Supported Employment Scheme provided funds for job coaches under 23 programmes run by organizations of persons with disabilities, from which 250 persons had benefited. Subsidies were also provided for persons interested in entrepreneurship and 10 new enterprises were launched each year by persons with disabilities.

68. A total of 107 persons with disabilities had been recruited during the past five years under the public-sector quota system. Most of them were teachers at various levels of education. There were currently no data concerning the number of persons with disabilities employed in the private sector, but steps would be taken to compile such data.

69. The Law Office employed a blind law officer, and a blind prosecutor had retired three years previously. A blind person was employed by the Ministry of Labour as a prosecutor of offences relating to the Social Security Fund.

70. Persons with disabilities who had insufficient financial means to meet basic needs were entitled to a minimum income of up to €480 per month and a disability allowance of up to €368 per month. The poverty level was 16 per cent among the population in general and 21.8 per cent among persons with disabilities. Children with disabilities were entitled to a guaranteed minimum income, irrespective of the family income. Austerity measures had affected the entire population, but monthly financial and disability allowances had not been reduced. The only two schemes that had been affected were subsidies for holidays, which had been abolished, and subsidies for car purchases, which had been temporarily reduced. Refugees had the same rights to disability allowances as Cypriot citizens. The Asylum Service informed them of their entitlements in order to encourage them to apply for social benefits.

71. No member State of the European Union had ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Cyprus had been one of the first States to join the United Nations World Solidarity Fund. It would also consider endorsing the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.

72. Persons with disabilities and their organizations had been involved in the drafting and adoption of the Council of Europe Disability Strategy 2017-2023. The Cyprus Confederation of Organizations of the Disabled had been involved from the outset in translating the Convention and establishing the Thematic Technical Committees to draft the initial report and the first National Disability Action Plan and to monitor its implementation. She hoped that the Confederation would also participate in the drafting of the second National Action Plan and the second periodic report to the Committee. The State was required by law to fund the Confederation and to consult it on relevant issues.

73. **Ms. Kioupi** (Cyprus) said that the country's five general hospitals offered health services on an equal basis. There were also 32 health-care centres in rural and urban areas and 230 subsidiary health-care centres. The hospitals' accident and emergency departments were open to all, and persons with disabilities, refugees and others were exempt from payment of the €10 fee. All the hospitals provided physiotherapy and paediatric services. Holistic health care, including rehabilitation services, would be provided under the new national health system and payments for medical devices, orthopaedic items and artificial limbs would be reimbursed.

74. Article 25 of the Mental Health Acts 1997-2007 prohibited forced sterilization of children, especially those living in institutions. The Ministry of Health was preparing a strategy that would include the organization of reproductive health workshops to educate girls and women about sterilization.

75. **Mr. Constantinou** (Cyprus) said that everyone had the right to vote on reaching the age of 18 years. The legal capacity of about 140 persons had been questioned in court in 2016, but he did not know how many of them had attempted to vote.

76. The president of each election centre decided whether a person needed support and reasonable adjustments to exercise the right to vote. Most polling stations were actually

located in schools and that schools were accessible. However, action would be taken to ensure reasonable accommodation in all polling stations.

77. The Cyprus Tourism Organization inspected hotels and tourism sites to monitor compliance with accessibility requirements. Tourists could contact the Organization to enquire about their accessibility. A project had been launched in 2013 to make the archaeological sites of Kato Paphos, the region with the largest number of sites, as accessible as possible. New hotel and museum buildings also needed to be rendered accessible.

78. The Amateur Athletic Association of Cyprus attached great importance to the training of persons with disabilities and Cyprus had won a considerable number of medals in the Paralympic Games. The Department for Social Inclusion of Persons with Disabilities funded a large number of cultural, sports and recreational programmes. Organizations were also offered financial support for hiring social assistants for cultural and recreational events. Schoolteachers encouraged children with disabilities to participate in cultural events and excursions organized by the school. The Cyprus Youth Organization, under the "Youth in Action" programme, offered recreational programmes for young people with disabilities, such as dance workshops, painting, gymnastics and sports.

79. The International Classification of Functioning, Disability and Health was used as a scientific tool for policy change. Data were collected on the number of persons with disabilities in each region of Cyprus, disaggregated by gender, type and severity of disability, and other characteristics. Grants from the European Union and local bodies were being sought to ensure that the best possible use was made of such data.

80. **Ms. Florentzou-Kakouri** (Cyprus) said that the Cypriot authorities were working with all stakeholders to promote more effective implementation of the Convention. Priority would be given to amendment of the legislation concerning legal capacity, adoption of the bill on the national health system, improved accessibility and promotion of deinstitutionalization.

The meeting rose at 1 p.m.